

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
PETITION

FORM EXEMPT UNDER 44 U.S.C.

DO NOT WRITE IN THIS SPACE

Case No.
18-RC-129281Date Filed
May 23, 2014

INSTRUCTIONS: Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.

The Petitioner alleges that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.

1. PURPOSE OF THIS PETITION (if box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)
- ☒ **RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
- ☐ **RM-REPRESENTATION (EMPLOYER PETITION)** - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- ☐ **RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE)** - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- ☐ **UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES)** - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- ☐ **UC-UNIT CLARIFICATION** - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: (Check one) ☐ In unit not previously certified. ☐ In unit previously certified in Case No. _____
- ☐ **AC-AMENDMENT OF CERTIFICATION** - Petitioner seeks amendment of certification issued in Case No. _____. Attach statement describing the specific amendment sought.

2. Name of Employer University of St Thomas		Employer Representative to contact President Julie Sullivan	Tel. No. 651-962-6500
3. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 2115 Summit Ave, St Paul, MN 55105		Fax No. 651-962-6504	
4a. Type of Establishment (Factory, mine, wholesaler, etc.) University	4b. Identify principal product or service Higher Education		Cell No. e-Mail jhsullivan@stthomas.edu
5. Unit Involved (In UC petition, describe present bargaining unit and attach description of proposed clarification.) Included Please see attached document Excluded Please see attached document			6a. Number of Employees in Unit: Present 230 Proposed (By UC/AC) 6b. Is this petition supported by 30% or more of the employees in the unit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No *Not applicable in RM, UC, and AC

(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a. ☐ Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state).

7b. ☐ Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8. Name of Recognized or Certified Bargaining Agent (If none, so state.)
None

Affiliation _____

Address _____ Tel. No. _____ Date of Recognition or Certification _____
Cell No. _____ Fax No. _____ e-Mail _____

9. Expiration Date of Current Contract. If any (Month, Day, Year) _____

10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day and Year) _____

11a. Is there now a strike or picketing at the Employer's establishment(s) Involved? Yes ☐ No ☒

11b. If so, approximately how many employees are participating? _____

11c. The Employer has been picketed by or on behalf of (Insert Name) _____, a labor organization, of (Insert Address) _____ Since (Month, Day, Year) _____

12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state) None

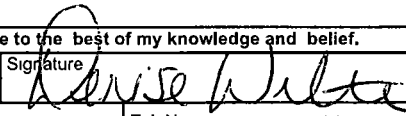
Name	Address	Tel. No.	Fax No.
		Cell No.	e-Mail

13. Full name of party filing petition (If labor organization, give full name, including local name and number)
Service Employees International Union Local 284

14a. Address (street and number, city, state, and ZIP code) 450 Southview Blvd, South St Paul, MN 55075	14b. Tel. No. EXT 651-256-9100 x 101	14c. Fax No. 651-256-9119
	14d. Cell No. 507-269-4622	14e. e-Mail dwlte@local284.com

15. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (to be filled in when petition is filed by a labor organization)
Service Employees International Union

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) Denise Welte	Signature 	Title (if any) Organizing Director
Address (street and number, city, state, and ZIP code) 450 Southview Blvd, South St Paul, MN 55075	Tel. No. 651-256-9100 Cell No. 507-269-4622	Fax No. eMail dwelte@local284.com

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Included: All regular part-time non-tenured and non-tenure-track faculty employed by the University of St. Thomas to teach undergraduate-level courses, including but not limited to Instructors, Adjunct Instructors, Adjunct Faculty, Adjunct Professors, Adjuncts, Visiting Faculty and Limited Term Faculty, at the St. Paul and Minneapolis campuses located at 2115 Summit Ave, St. Paul, MN 55105 and 1000 Lasalle, Minneapolis, MN 55403.

Excluded: All other faculty, including tenured and tenure-track faculty, full-time faculty and faculty who teach exclusively online or off the St. Paul and Minneapolis campuses. Also excluded are all Music Lesson faculty who exclusively teach music lessons; faculty who teach only graduate-level courses, whether tenured, tenure-track or not; and other employees, whether or not they have teaching responsibilities, including staff, coordinators, coaches, administrators, chairs, directors, managers, supervisors, specialists, guards and anyone else excluded by the Act.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 18
330 2nd Ave S Ste 790
Minneapolis, MN 55401-2214

Agency Website: www.nlrb.gov
Telephone: (612)348-1757
Fax: (612)348-1785

May 23, 2014

JULIE SULLIVAN, PRESIDENT
UNIVERSITY OF ST. THOMAS
2115 SUMMIT AVENUE
ST. PAUL, MN 55105

Re: UNIVERSITY OF ST. THOMAS
Case 18-RC-129281

Dear Ms. SULLIVAN:

Enclosed is a copy of a petition that SEIU LOCAL 284 filed with the National Labor Relations Board (NLRB) seeking to represent certain of your employees. This letter tells you how to contact the Board agent who will be handling this matter, explains your right to be represented, requests that you provide certain information, notifies you of a hearing, requests that you post notices, and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Attorney RACHAEL M. SIMON-MILLER whose telephone number is (612) 348-1746. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Supervisory Attorney NICHOLE L. BURGESS-PEEL whose telephone number is (612) 348-1775.

Immediately upon receipt of the petition, the NLRB conducts an impartial investigation to determine if the NLRB has jurisdiction, if the petition is timely and properly filed, if the showing of interest is adequate, and if there are any other interested parties to the proceeding or other circumstances bearing on the question concerning representation. If appropriate, the NLRB then attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the NLRB. Their knowledge regarding this matter was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Requested Information:

Information Needed Immediately: To process the petition in this matter, we need certain information from you. Accordingly, please submit to this office, as soon as possible, the following information:

- (a) The correct name of your organization;
- (b) A copy of any existing or recently expired collective-bargaining agreements, and any addenda or extensions, or any recognition agreements covering any of your employees in the unit involved in the petition (the petitioned-for unit);
- (c) The name and contact information for any other labor organization (union) claiming to represent any of the employees in the petitioned-for unit;
- (d) Your position as to the appropriateness of the petitioned-for unit;
- (e) A completed commerce questionnaire (form enclosed) to enable us to determine whether the NLRB has jurisdiction in this matter;
- (f) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any; and
- (g) An alphabetized list of employees in the petitioned-for unit, with their job classifications, for the payroll period immediately before the date of this petition. This list will be used to resolve possible eligibility and unit questions as well as to determine the adequacy of the Petitioner's showing of interest. If such a list is not submitted promptly, any later submission and request for an evaluation of the Petitioner's showing of interest will be considered untimely and no check of the showing of interest will be conducted absent unusual circumstances.

Information Needed Later: If an election is agreed to or directed in this matter, the Employer must file with this office an alphabetized list of the full names and addresses of all eligible voters. We will then make the list available to all parties to the election. The list must be furnished within 7 days of the direction of, or agreement to, an election. I am advising you of this requirement now, so that you will have ample time to prepare this list.

Notice of Hearing: Enclosed is a Notice of Hearing to be conducted on ***June 3, 2014*** if the parties do not voluntarily agree to an election. If a hearing is necessary, it is expected to run on consecutive days until concluded. The enclosed Form NLRB-4339 provides information about rescheduling the hearing. Requests for postponement of the hearing to a date more than 14 days after the petition was filed will normally not be granted absent extraordinary circumstances.

Posting Notices: The NLRB believes that employees should have information about their rights while a representation petition is pending; and employers and labor organizations should be apprised of their responsibilities to refrain from conduct which could interfere with employees' freedom of choice in an election. Accordingly, please immediately post the enclosed Notice to Employees (Form 5492) in conspicuous places in areas where employees in the petitioned-for unit work. Additional copies of the Notice to Employees are available for posting if you need them.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the NLRB will continue to accept timely filed paper documents. On all your correspondence regarding the petition, please include the case name and number indicated above.

Information about the NLRB, the procedures we follow in representation cases, and our customer service standards is available on our website, www.nlr.gov, or from an NLRB office upon your request.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marlin O. Osthus", written in a cursive style.

MARLIN O. OSTHUS
Regional Director

Enclosures

1. Notice of Hearing
2. Notice Regarding Representation Cases (Form 4339)
3. Statement of Standard Procedures in Formal Hearings (Form 4669)
4. Commerce Questionnaire
5. Notice to Employees (Form 5492)
6. Copy of Petition

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

UNIVERSITY OF ST. THOMAS

CASE NUMBER

18-RC-129281

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNIVERSITY OF ST. THOMAS

Employer

and

SEIU LOCAL 284

Petitioner

Case 18-RC-129281

AFFIDAVIT OF SERVICE OF: Petition dated May 23, 2014, and Notice of Representation Hearing dated May 23, 2014, with Form 4669 attached.

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on May 23, 2014, I served the above-entitled document(s) by facsimile and regular mail upon the following persons, addressed to them at the following addresses:

JULIE SULLIVAN, PRESIDENT
UNIVERSITY OF ST. THOMAS
2115 SUMMIT AVENUE
ST. PAUL, MN 55105

DENISE WELTE, ORGANIZING
DIRECTOR
SEIU LOCAL 284
450 SOUTHVIEW BLVD
SOUTH ST. PAUL, MN 55075

May 23, 2014

Date

Bernadette M. Grenzer, Designated Agent
of NLRB

Name

/s/ Bernadette M. Grenzer

Signature



**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 18**



UNIVERSITY OF ST. THOMAS Employer and SEIU LOCAL 284 Petitioner	Case 18-RC-129281
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NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 9:00 AM on **Tuesday, June 3, 2014**, and on consecutive days thereafter until concluded, at the National Labor Relations Board offices located at 330 2nd Ave S, Ste 790, Minneapolis, MN 55401, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise, and give testimony. Form NLRB-4669, *Statement of Standard Procedures in Formal Hearings Held Before The National Labor Relations Board Pursuant to Petitions Filed Under Section 9 of The National Labor Relations Act*, is attached.

Dated: May 23, 2014

MARLIN O. OSTHUS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 18
330 2ND AVE S STE 790
MINNEAPOLIS, MN 55401-2214

**SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD BEFORE THE
NATIONAL LABOR RELATIONS BOARD PURSUANT TO PETITIONS FILED
UNDER SECTION 9 OF THE NATIONAL LABOR RELATIONS ACT**

The hearing will be conducted before a Hearing Officer of the National Labor Relations Board. (R CASES)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance. An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. *(Copies of exhibits should be supplied to the Hearing Officer and other parties at the time the exhibit is offered in evidence.)* After the close of the hearing, one or more of the parties may wish to have corrections made in the record. All such proposed corrections, either by way of stipulation or motion, should be forwarded to the Regional Director or to the Board in Washington *(if the case is transferred to the Board)* instead of to the Hearing Officer, inasmuch as the Hearing Officer has no power to make any rulings in connection with the case after the hearing is closed. All matter that is spoken in the hearing room will be recorded by the official reporter while the hearing is in session. In the event that any party wishes to make off-the-record remarks, requests to make such remarks should be directed to the Hearing Officer and not to the official reporter.

Statements of reasons in support of motions or objections should be as concise as possible. Objections and exceptions may, on appropriate request, be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

All motions shall be in writing or, if made at the hearing, may be stated orally on the record and shall briefly state the order of relief sought and the grounds for such motion. An original and two copies of written motions shall be filed with the Hearing Officer and a copy thereof immediately shall be served on the other parties to the proceeding.

The sole objective of the Hearing Officer is to ascertain the respective positions of the parties and to obtain a full and complete factual record on which the duties under Section 9 of the National Labor Relations Act may be discharged by the Regional Director of the Board. It may become necessary for the Hearing Officer to ask questions, to call witnesses, and to explore avenues with respect to matters not raised by the parties. The services of the Hearing Officer are equally at the disposal of all parties to the proceedings in developing the material evidence.

At the close of hearing, any party who desires to file a brief may do so in the appropriate manner described below.

1. Briefs filed with the Regional Director

Unless transfer of the case to the Board is announced prior to close of hearing, the brief should be filed in duplicate with the Regional Director. A copy must also be served on each of the other parties and proof of such service must be filed with the Regional Director at the time the briefs are filed. Briefs submitted are to be double-spaced on 8 1/2 by 11 inch paper.

The briefs shall be filed within 7 days after the close of the hearing unless an extension of time, not to exceed an additional 14 days on request made for good cause, before the hearing closes, is granted by the Hearing Officer. Briefs must be filed in accordance with the provisions of Section 102.111 (b) of the Board's Rules. Facsimile transmission of briefs is not permitted.

A request for an extension of time made after the close of the hearing must be received by the Regional Director, in writing, as much in advance of the date the briefs are due as possible and copies thereof must be served on the other parties by the same or faster method as used to file with the Regional Director (see 102.114 of Board's Rules).

2. Briefs filed with the Board in Washington, DC

a. If transfer of case to the Board is announced at the hearing

Should any party desire to file a brief with the Board, eight copies thereof shall be filed with the Board in Washington, DC. Immediately on such filing, a copy shall be served on each of the other parties. Proof of such service must be filed with the Board simultaneously with the briefs. Such brief shall be printed on otherwise legibly duplicated: Provided, however, that carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. No reply brief may be filed except on special leave of the Board. Any brief filed after transfer of the case to the Board shall be double-spaced on 8 1/2 by 11 inch paper.

The briefs shall be filed within 7 days after the close of hearing unless an extension of time, not to exceed an additional 14 days on request made for good cause, before the hearing closes, is granted by the Hearing Officer. Briefs must be filed in accordance with the provisions of Section 102.111(b) of the Board's Rules. Facsimile transmission of briefs is not permitted.

b. Transfer of cases to the Board effected after close of hearing

Pursuant to Section 102.67 of the Board's Rules, the Regional Director may, at any time after the close of hearing and before decision, transfer a case to the Board for decision. The order transferring the case will fix a date for filing briefs in Washington, DC.

If a brief has already been filed with the Regional Director, the parties may file eight copies of the same brief with the Board in the same manner as set forth in "a," above, except that service on other parties is not required. No further briefs shall be submitted except by special permission of the Board.

If the case is transferred to the Board before the time expires for filing of briefs with the Regional Director and before the parties have filed briefs, such briefs shall be filed as set forth in "a," above.

c. Request for extension of time to file briefs with the Board

A request for an extension of time to file briefs with the Board in Washington, D.C., made after the close of hearing must be received by the Executive Secretary's Office in Washington as much in advance of the date the briefs are due as possible but in any event no later than the close of business on the due date. Such request must be in writing and a copy shall be served immediately on each of the other parties and the Regional Director and shall contain a statement that such service has been made.

As provided in Section 102.114(a) and (e) of the Board's Rules and Regulations, service on all parties of a request for an extension of time shall be made in the same or faster manner as that utilized in filing the paper with the Board; however, when filing with the Board is accomplished by facsimile transmission or by personal service, the other parties shall be promptly notified of such action by facsimile transmission or by telephone, followed by service of a copy personally or by overnight delivery service.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE REGARDING REPRESENTATION CASE HEARINGS

Case 18-RC-129281

Hearing Cancellation Based on Agreement of Parties: The issuance of the Notice of Hearing in this case does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments. The Board agent assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by me, will cancel the hearing.

Postponement of the Hearing: Postponement of the hearing *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing and be filed with the Regional Director;
- (2) Copies of the request must be simultaneously served on all other parties, and that fact must be noted on the request;
- (3) Absent extraordinary circumstances, the request must be received no later than 24 hours before the hearing is scheduled to begin;
- (4) Requests for postponement of the hearing to a date more than 14 days after the petition was filed will normally not be granted absent extraordinary circumstances;
- (5) Grounds must be set forth in *detail*, e.g., the unavailability of counsel and all other counsel in the law firm due to previously scheduled federal court or other U.S. Agency hearings or trials;
- (6) Alternative dates for any rescheduled hearing must be given; and
- (7) The positions of all other parties regarding the postponement and alternative hearing dates must be ascertained in advance by the requesting party and set forth in the request.

Approval of a postponement request may be conditioned upon one or more of the following:

- (1) The agreement of all parties to participate at a conference to be held at the Regional Office at least one full day before the rescheduled hearing date;
- (2) Agreement by the requestor that extensions of time for filing of briefs will not be sought or granted; and/or
- (3) The requestor's execution of stipulations on matters not in dispute, e.g., jurisdiction, labor organization status, appropriate unit.

Consecutive Days of Hearing: Once opened, it is expected the hearing will continue on consecutive business days until concluded.

JULIE SULLIVAN, PRESIDENT
UNIVERSITY OF ST. THOMAS
2115 SUMMIT AVENUE
ST. PAUL, MN 55105

DENISE WELTE, ORGANIZING
DIRECTOR
SEIU LOCAL 284
450 SOUTHVIEW BLVD
SOUTH ST. PAUL, MN 55075



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 18
330 2nd Ave S Ste 790
Minneapolis, MN 55401-2214

Agency Website: www.nlr.gov
Telephone: (612)348-1757
Fax: (612)348-1785

May 23, 2014

DENISE WELTE, ORGANIZING DIRECTOR
SEIU LOCAL 284
450 SOUTHVIEW BLVD
SOUTH ST. PAUL, MN 55075

Re: UNIVERSITY OF ST. THOMAS
Case 18-RC-129281

Dear Ms. WELTE:

The petition that you filed with the National Labor Relations Board (NLRB) has been assigned the above case number. This letter tells you how to contact the Board agent who will be handling this matter, explains your right to be represented, requests that you provide certain information, notifies you of a hearing, and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Attorney RACHAEL M. SIMON-MILLER whose telephone number is (612) 348-1746. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Supervisory Attorney NICHOLE L. BURGESS-PEEL whose telephone number is (612) 348-1775.

Immediately upon receipt of the petition, the NLRB conducts an impartial investigation to determine if the NLRB has jurisdiction, if the petition is timely and properly filed, if the showing of interest is adequate, and if there are any other interested parties to the proceeding or other circumstances bearing on the question concerning representation. If appropriate, the NLRB then attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before the NLRB. In view of our policy of processing these cases expeditiously, if you wish to be represented, you should obtain representation promptly. Your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the NLRB. Their knowledge regarding this matter was obtained only through access to information that must be made available to any member of the public under the Freedom of Information Act.

Requested Information: To process the petition in this matter, we need certain information from you. Accordingly, please submit to this office, as soon as possible, the following information:

- (a) The correct name of the Union as stated in its constitution or bylaws.
- (b) A copy of any existing or recently expired collective-bargaining agreements, and any addenda or extensions, or any recognition agreements covering any employees in the petitioned-for unit.
- (c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.
- (d) The name and address of the representative to whom we should send the election eligibility list. Absent notice to the contrary, we will send the list to the addressee of this letter at the above address.
- (e) The name and contact information for any other labor organization (union) claiming to represent any of the employees in the petitioned-for unit and for any employer who may be a joint employer of the employees in the proposed unit. Failure to disclose the existence of an interested party may delay the processing of the petition.

Notice of Hearing: Enclosed is a Notice of Hearing to be conducted on **June 3, 2014** if the parties do not voluntarily agree to an election. If a hearing is necessary, it is expected to run on consecutive days until concluded. The enclosed Form NLRB-4339 provides information about rescheduling the hearing. Requests for postponement of the hearing to a date more than 14 days after the petition was filed will normally not be granted absent extraordinary circumstances.

Information for Employees: The NLRB believes that employees should have readily available information about their rights and the proper conduct of employee representation elections. Accordingly, we have asked the Employer to post a Notice to Employees, Form NLRB 5492, which explains employees' basic rights under the National Labor Relations Act. If you would like a copy of that Notice, please let the Board agent know. We have also prepared the pamphlet "Your Government Conducts an Election" which you or the Employer may distribute to employees. The pamphlet is available at www.nlr.gov/news-outreach/brochures or from our office. You may reproduce copies of the Notice and the pamphlet for distribution to employees, provided they are not modified in any way.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the NLRB will continue to accept timely filed paper documents. On all your correspondence regarding the petition, please include the case name and number indicated above.

Information about the NLRB, the procedures we follow in representation cases, and our customer service standards is available on our website, www.nlr.gov, or from an NLRB office upon your request.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Marlin O. Osthus". The signature is fluid and cursive, with the first name "Marlin" being more prominent and the last name "Osthus" following in a similar style.

MARLIN O. OSTHUS
Regional Director

Enclosures

1. Notice of Hearing
2. Form 4669
3. Form 4339



**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 18**



UNIVERSITY OF ST. THOMAS Employer and SEIU LOCAL 284 Petitioner	Case 18-RC-129281
--	--------------------------

NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 9:00 AM on **Tuesday, June 3, 2014**, and on consecutive days thereafter until concluded, at the National Labor Relations Board offices located at 330 2nd Ave S, Ste 790, Minneapolis, MN 55401, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise, and give testimony. Form NLRB-4669, *Statement of Standard Procedures in Formal Hearings Held Before The National Labor Relations Board Pursuant to Petitions Filed Under Section 9 of The National Labor Relations Act*, is attached.

Dated: May 23, 2014

MARLIN O. OSTHUS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 18
330 2nd Ave S Ste 790
Minneapolis, MN 55401-2214

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNIVERSITY OF ST. THOMAS

Employer

and

SEIU LOCAL 284

Petitioner

Case 18-RC-129281

AFFIDAVIT OF SERVICE OF: Petition dated May 23, 2014, and Notice of Representation Hearing dated May 23, 2014, with Form 4669 attached.

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on May 23, 2014, I served the above-entitled document(s) by facsimile and regular mail upon the following persons, addressed to them at the following addresses:

JULIE SULLIVAN, PRESIDENT
UNIVERSITY OF ST. THOMAS
2115 SUMMIT AVENUE
ST. PAUL, MN 55105

DENISE WELTE, ORGANIZING
DIRECTOR
SEIU LOCAL 284
450 SOUTHVIEW BLVD
SOUTH ST. PAUL, MN 55075

May 23, 2014

Date

Bernadette M. Grenzer, Designated Agent
of NLRB

Name

/s/ Bernadette M. Grenzer

Signature

**SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD BEFORE THE
NATIONAL LABOR RELATIONS BOARD PURSUANT TO PETITIONS FILED
UNDER SECTION 9 OF THE NATIONAL LABOR RELATIONS ACT**

The hearing will be conducted before a Hearing Officer of the National Labor Relations Board. (R CASES)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance. An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. *(Copies of exhibits should be supplied to the Hearing Officer and other parties at the time the exhibit is offered in evidence.)* After the close of the hearing, one or more of the parties may wish to have corrections made in the record. All such proposed corrections, either by way of stipulation or motion, should be forwarded to the Regional Director or to the Board in Washington *(if the case is transferred to the Board)* instead of to the Hearing Officer, inasmuch as the Hearing Officer has no power to make any rulings in connection with the case after the hearing is closed. All matter that is spoken in the hearing room will be recorded by the official reporter while the hearing is in session. In the event that any party wishes to make off-the-record remarks, requests to make such remarks should be directed to the Hearing Officer and not to the official reporter.

Statements of reasons in support of motions or objections should be as concise as possible. Objections and exceptions may, on appropriate request, be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

All motions shall be in writing or, if made at the hearing, may be stated orally on the record and shall briefly state the order of relief sought and the grounds for such motion. An original and two copies of written motions shall be filed with the Hearing Officer and a copy thereof immediately shall be served on the other parties to the proceeding.

The sole objective of the Hearing Officer is to ascertain the respective positions of the parties and to obtain a full and complete factual record on which the duties under Section 9 of the National Labor Relations Act may be discharged by the Regional Director of the Board. It may become necessary for the Hearing Officer to ask questions, to call witnesses, and to explore avenues with respect to matters not raised by the parties. The services of the Hearing Officer are equally at the disposal of all parties to the proceedings in developing the material evidence.

At the close of hearing, any party who desires to file a brief may do so in the appropriate manner described below.

1. Briefs filed with the Regional Director

Unless transfer of the case to the Board is announced prior to close of hearing, the brief should be filed in duplicate with the Regional Director. A copy must also be served on each of the other parties and proof of such service must be filed with the Regional Director at the time the briefs are filed. Briefs submitted are to be double-spaced on 8 1/2 by 11 inch paper.

The briefs shall be filed within 7 days after the close of the hearing unless an extension of time, not to exceed an additional 14 days on request made for good cause, before the hearing closes, is granted by the Hearing Officer. Briefs must be filed in accordance with the provisions of Section 102.111 (b) of the Board's Rules. Facsimile transmission of briefs is not permitted.

A request for an extension of time made after the close of the hearing must be received by the Regional Director, in writing, as much in advance of the date the briefs are due as possible and copies thereof must be served on the other parties by the same or faster method as used to file with the Regional Director (see 102.114 of Board's Rules).

2. Briefs filed with the Board in Washington, DC

a. If transfer of case to the Board is announced at the hearing

Should any party desire to file a brief with the Board, eight copies thereof shall be filed with the Board in Washington, DC. Immediately on such filing, a copy shall be served on each of the other parties. Proof of such service must be filed with the Board simultaneously with the briefs. Such brief shall be printed on otherwise legibly duplicated: Provided, however, that carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. No reply brief may be filed except on special leave of the Board. Any brief filed after transfer of the case to the Board shall be double-spaced on 8 1/2 by 11 inch paper.

The briefs shall be filed within 7 days after the close of hearing unless an extension of time, not to exceed an additional 14 days on request made for good cause, before the hearing closes, is granted by the Hearing Officer. Briefs must be filed in accordance with the provisions of Section 102.111(b) of the Board's Rules. Facsimile transmission of briefs is not permitted.

b. Transfer of cases to the Board effected after close of hearing

Pursuant to Section 102.67 of the Board's Rules, the Regional Director may, at any time after the close of hearing and before decision, transfer a case to the Board for decision. The order transferring the case will fix a date for filing briefs in Washington, DC.

If a brief has already been filed with the Regional Director, the parties may file eight copies of the same brief with the Board in the same manner as set forth in "a," above, except that service on other parties is not required. No further briefs shall be submitted except by special permission of the Board.

If the case is transferred to the Board before the time expires for filing of briefs with the Regional Director and before the parties have filed briefs, such briefs shall be filed as set forth in "a," above.

c. Request for extension of time to file briefs with the Board

A request for an extension of time to file briefs with the Board in Washington, D.C., made after the close of hearing must be received by the Executive Secretary's Office in Washington as much in advance of the date the briefs are due as possible but in any event no later than the close of business on the due date. Such request must be in writing and a copy shall be served immediately on each of the other parties and the Regional Director and shall contain a statement that such service has been made.

As provided in Section 102.114(a) and (e) of the Board's Rules and Regulations, service on all parties of a request for an extension of time shall be made in the same or faster manner as that utilized in filing the paper with the Board; however, when filing with the Board is accomplished by facsimile transmission or by personal service, the other parties shall be promptly notified of such action by facsimile transmission or by telephone, followed by service of a copy personally or by overnight delivery service.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE REGARDING REPRESENTATION CASE HEARINGS

Case 18-RC-129281

Hearing Cancellation Based on Agreement of Parties: The issuance of the Notice of Hearing in this case does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments. The Board agent assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by me, will cancel the hearing.

Postponement of the Hearing: Postponement of the hearing *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing and be filed with the Regional Director;
- (2) Copies of the request must be simultaneously served on all other parties, and that fact must be noted on the request;
- (3) Absent extraordinary circumstances, the request must be received no later than 24 hours before the hearing is scheduled to begin;
- (4) Requests for postponement of the hearing to a date more than 14 days after the petition was filed will normally not be granted absent extraordinary circumstances;
- (5) Grounds must be set forth in *detail*, e.g., the unavailability of counsel and all other counsel in the law firm due to previously scheduled federal court or other U.S. Agency hearings or trials;
- (6) Alternative dates for any rescheduled hearing must be given; and
- (7) The positions of all other parties regarding the postponement and alternative hearing dates must be ascertained in advance by the requesting party and set forth in the request.

Approval of a postponement request may be conditioned upon one or more of the following:

- (1) The agreement of all parties to participate at a conference to be held at the Regional Office at least one full day before the rescheduled hearing date;
- (2) Agreement by the requestor that extensions of time for filing of briefs will not be sought or granted; and/or
- (3) The requestor's execution of stipulations on matters not in dispute, e.g., jurisdiction, labor organization status, appropriate unit.

Consecutive Days of Hearing: Once opened, it is expected the hearing will continue on consecutive business days until concluded.

JULIE SULLIVAN, PRESIDENT
UNIVERSITY OF ST. THOMAS
2115 SUMMIT AVENUE
ST. PAUL, MN 55105

DENISE WELTE, ORGANIZING
DIRECTOR
SEIU LOCAL 284
450 SOUTHVIEW BLVD
SOUTH ST. PAUL, MN 55075

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

University of St. Thomas, Employer and Service Employees International Union Local 284, Petitioner
--

CASE 18-RC-129281

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
University of St. Thomas

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☐ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME:	Mark S. Mathison		
MAILING ADDRESS:	Gray Plant Mooty, 80 South 8th Street, 500 IDS Center Minneapolis, MN 55402		
E-MAIL ADDRESS:	mark.mathison@gpmlaw.com		
OFFICE TELEPHONE NUMBER:	612-632-3247		
CELL PHONE NUMBER:	612-382-9430	FAX:	612-632-4247
SIGNATURE:	_____ (Please sign in ink.)		
DATE:	May 27, 2014		

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

500 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402
MAIN: 612.632.3000
FAX: 612.632.4444

MARK S. MATHISON
ATTORNEY
DIRECT DIAL: 612.632.3247
DIRECT FAX: 612.632.4247
MARK.MATHISON@GPMLAW.COM

May 30, 2014

Marlin O. Osthus
Regional Director
National Labor Relations Board
790 Towle Building
330 Second Avenue South
Minneapolis MN 55401

VIA EMAIL: marlin.osthus@nrlb.gov

Re: University of St. Thomas, Case No. 18-RC-129281

Dear Mr. Osthus:

This is a request of the Employer in the R case referenced above for a postponement of the Representation Hearing initially scheduled for June 3 ("Request"). The Request is being made for good cause and based upon the existence of extraordinary circumstances, as described below.

The Employer hereby requests postponement of the Representation Hearing to June 6, 2014. The Petitioner acquiesces and joins in this Request.

Good cause and extraordinary circumstances support this Request. The size and complexity of the petitioned-for bargaining unit gives rise to numerous potential issues of unit identification and scope, which puts the showing of interest in play as well as the possibility of any stipulated election agreement. This size and complexity necessitates a sheer quantity and level of analysis that constitutes extraordinary circumstances. The Employer cannot be reasonably expected to have completed such analysis in time to prepare for a hearing or, in the alternative, to have meaningfully negotiated a stipulated election agreement.

Furthermore, the Petition was delivered to the office of the President of the University by facsimile late on the Friday before a holiday weekend, and no representative of the Employer was aware of or had seen the Petition until the regular return to work date of Tuesday, May 27. This caused a loss to the Employer of four full days of processing time, which we contend constitute extraordinary circumstances justifying the requested postponement.

Marlin O. Osthus
Page 2
May 30, 2014

Thank you for your consideration of this Request.

Very truly yours,

/s/ Mark S. Mathison

Mark S. Mathison
Attorney

MSM: 

c via email: Denise Welte (Petitioner)
Brendan Cummins
Rachael Simon-Miller

Marlin O. Osthus
Page 3
May 30, 2014

bc: Abigail S. Crouse, Esq.

GP:3694019 v1

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 18**

UNIVERSITY OF ST. THOMAS

Employer

and

Case 18-RC-129281

SEIU LOCAL 284

Petitioner

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter is rescheduled from June 3, 2014 to **June 6, 2014**, at **9:00 a.m.**, in the **NLRB Hearing Room, Suite 790, 330 South Second Avenue, Minneapolis, Minnesota**. The hearing will continue on consecutive days until concluded.

Dated: May 30, 2014

/s/ Marlin O. Osthus

MARLIN O. OSTHUS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 18
330 2ND AVE S STE 790
MINNEAPOLIS, MN 55401-2214

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 18**

UNIVERSITY OF ST. THOMAS

Employer

and

SEIU LOCAL 284

Petitioner

Case 18-RC-129281

AFFIDAVIT OF SERVICE OF: Order Rescheduling Hearing, dated May 30, 2014.

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on May 30, 2014, I served the above-entitled document(s) by **regular mail** upon the following persons, addressed to them at the following addresses:

JULIE SULLIVAN, PRESIDENT
UNIVERSITY OF ST. THOMAS
2115 SUMMIT AVENUE
ST. PAUL, MN 55105

MARK S. MATHISON, ATTORNEY
GRAY PLANT MOOTY
80 SOUTH EIGHTH STREET
500 IDS CENTER
MINNEAPOLIS, MN 55402-2100

DENISE WELTE, ORGANIZING
DIRECTOR
SEIU LOCAL 284
450 SOUTHVIEW BLVD
SOUTH ST. PAUL, MN 55075

May 30, 2014

Date

Olga Bestilny, Designated Agent of NLRB

Name

/s/ Olga Bestilny

Signature

MODE = MEMORY TRANSMISSION

START=MAY-30 15:25

END=MAY-30 15:27

FILE NO.=972

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	96519626504	002/002	00:00:21
002	OK	2	96324247	002/002	00:00:49
003	OK	2	96512569119	002/002	00:00:24

-NLRB REGION 18

***** -NLRB REGION 18 - *****



United States Government
NATIONAL LABOR RELATIONS BOARD
 Region 18
 330 South Second Avenue, Suite 790
 Minneapolis, MN 55401-2221

Office: (612) 348-1757
 Fax: (612) 348-1785
 www.nlr.gov

FACSIMILE TRANSMITTAL SHEET

ADDRESSEES: Julie Sullivan, President University of St. Thomas FAX # (651) 962-6504 Mark S. Mathison, Attorney Gray Plant Mooty FAX # (612) 632-4247 Denise Welte, Organizing Director SEIU Local 284 FAX# (651) 256-9119	ORIGINATOR: <u>Marlin O. Osthus, Regional Director</u> <u>NLRB Region 18</u>
---	---

DATE: May 30, 2014	PAGES TO FOLLOW: One	OPERATOR: OB
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REMARKS: Re: UNIVERSITY OF ST. THOMAS Case 18-RC-129281 The following is an Order Rescheduling Hearing dated May 30, 2014.

<p align="center">CONFIDENTIALITY NOTICE OFFICIAL GOVERNMENT BUSINESS</p> <p>This communication is intended for the sole use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication may be strictly prohibited. If you have received this communication in error, please notify me immediately by telephone call, and return communication to me at the address above via United States Postal Service. Thank you.</p>

From: [Simon-Miller, Rachael M.](#)
To: ["Mathison, Mark S."](#)
Subject: RE: Following up
Date: Thursday, May 29, 2014 3:00:12 PM
Attachments: [image001.jpg](#)

Thanks for the message. I'm glad to hear you'll be talking with Ms. Welte.

As you probably know, the RD considers the agreement of the parties to be one factor in considering whether to grant a postponement request; the requesting party must still demonstrate good cause. Further, requests for postponements are viewed more favorably by the RD where the parties have presented their initial positions on the unit, eligibility, mail ballot, etc. and where there has been some movement by the parties, suggesting that the likelihood of reaching an agreement is increased by granting an extension.

I'll plan to talk to you later today. Thanks again.

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: Mathison, Mark S. [<mailto:Mark.Mathison@gpmlaw.com>]
Sent: Thursday, May 29, 2014 1:27 PM
To: Simon-Miller, Rachael M.
Subject: RE: Following up

Denise is not available to talk with me until after 3, and I am not available to call her until at least 3:30. I am trying to dutifully ascertain her position on our request for an extension for the Rep hearing in the meantime. I can plan to call you after she and I have talked, which I hope will be yet later this afternoon. Thanks.

From: Simon-Miller, Rachael M. [<mailto:Rachael.Simon-Miller@nlrb.gov>]
Sent: Thursday, May 29, 2014 11:45 AM
To: Mathison, Mark S.
Subject: RE: Following up

I think we should plan a call today, perhaps at 1:30 or 2 pm? We need to get the discussion moving forward here if there is a chance of reaching a stip, as the hearing is approaching in just three business days.

Talk to you soon,
Rachael

From: Mathison, Mark S. [<mailto:Mark.Mathison@gpmlaw.com>]
Sent: Thursday, May 29, 2014 9:08 AM
To: Simon-Miller, Rachael M.
Subject: RE: Following up

Thanks. I have not had a chance yet to call Ms. Welte. I will try to circle back with you this morning if I have anything of substance ready to discuss.

Mark Mathison
Attorney

Gray Plant Mooty
500 IDS Center
80 South Eighth Street
Minneapolis, MN USA 55402



Phone: 612.632.3247
Fax: 612.632.4247

Mark.Mathison@gpmlaw.com

[Click Here For My Bio](#)

From: Simon-Miller, Rachael M. [<mailto:Rachael.Simon-Miller@nlrb.gov>]

Sent: Thursday, May 29, 2014 9:06 AM

To: Mathison, Mark S.

Subject: Following up

Hi Mr. Mathison,

I checked on some of the issues you asked me about yesterday. Unfortunately, I can't tell you anything more about the showing of interest, other than saying that it is a sufficient showing of interest (30% of the petitioned-for unit).

As for the Hamline and Macalester petitions, I cannot give you a copy of the stipulated election agreements without a FOIA request, but I can talk to you about the unit description and the formula used to determine who will vote. Please give me a call if you'd like to discuss.

And, as to the request for postponement, it is true that such a written request should be made to the RD and will be granted only for good cause. See form NLRB-4338, which accompanies the notice of hearing, for more guidance.

Did you get in touch with Ms. Welte? I hope we have a chance to talk this morning.

Thanks again,

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

NOTICES: Pursuant to the rules of professional conduct set forth in Circular 230, as promulgated by the United States Department of the Treasury, unless we expressly state otherwise in this communication, nothing contained in this communication was intended or written to be used by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer by the Internal Revenue Code of 1986, and it cannot be used by any taxpayer for such purpose. No one, without our express prior written permission, may use or refer to any tax advice in this communication in promoting, marketing or recommending a partnership or other entity, investment plan or arrangement relating to any one or more taxpayers.

This message is from a law firm, and thus may contain or attach confidential information or an attorney-client communication that is confidential and privileged by law. It is not intended for transmission to, or receipt by, any unauthorized person. If you believe that you have received this message or any attachment in error, simply delete both from your system without reading or copying, and notify the sender by e-mail or by calling 612-632-3000. Thank you.

From: [Denise Welte](#)
To: [Simon-Miller, Rachael M.](#)
Subject: RE: Email Address
Date: Thursday, May 29, 2014 7:07:13 PM

Hi Rachael,
Yes, however I just received an email today from Mr. Mathison and when I tried reaching him by phone he did not answer. My plan is to connect with him tomorrow morning as well. Thanks for checking back in, call my cell anytime!

Best,
Denise
Denise Welte
Organizing Director
SEIU Local 284
dwelte@local284.com
507-269-4622

From: Simon-Miller, Rachael M. [<mailto:Rachael.Simon-Miller@nlrb.gov>]
Sent: Thursday, May 29, 2014 4:30 PM
To: Denise Welte
Subject: RE: Email Address

Hi Denise,
Let's plan to talk in the morning regarding the UST petition. I'm interested to hear whether there have been any communications between the parties and what the current status is. Can I call you around 9:00?

Thanks,

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348 1785

From: Denise Welte [<mailto:dwelte@local284.com>]
Sent: Wednesday, May 28, 2014 12:58 PM
To: Simon-Miller, Rachael M.
Subject: RE: Email Address

Great thanks Rachael!

Denise Welte
Organizing Director
SEIU Local 284
dwelte@local284.com
(C)507-269-4622
(W)651-256-9117

SEIU Working Together for Our Kids Our Future!

-----Original Message-----

From: Simon-Miller, Rachael M. [<mailto:Rachael.Simon-Miller@nlrb.gov>]
Sent: Wed 5/28/2014 12:32 PM
To: Denise Welte
Subject: RE: Email Address

Hi Denise,

I just heard from St. Thomas' attorney, Mark Mathison from Gray, Plant and Mooty. He said he plans to contact you directly in the very near future, so please expect his call. I'm happy to step back and allow you and Mr. Mathison to work together on some of these issues, but please don't hesitate to call me if you would like. I'll check in with you again late today or tomorrow morning.

Thanks again,

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348 1785

From: Denise Welte [<mailto:dwelte@local284.com>]
Sent: Tuesday, May 27, 2014 3:22 PM

To: Simon-Miller, Rachael M.
Subject: RE: Email Address

Hi Rachael,

Just checking in to see if you had heard back from the University of St. Thomas?
I'm curious to know if they have any issues with the petition and what the issues are so that we can move forward on reaching a stip.

Thanks,

Denise

Denise Welte
Organizing Director
SEIU Local 284
507-269-4622

From: Simon-Miller, Rachael M. [<mailto:Rachael.Simon-Miller@nlrb.gov>]
Sent: Tuesday, May 27, 2014 10:06 AM
To: Denise Welte
Subject: Email Address

I will talk to you soon.

Thanks!

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348 1785

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From: [Mathison, Mark S.](#)
To: [Simon-Miller, Rachael M.](#)
Cc: "dwelte@local284.com"; "[Brendan Cummins \(brendan@Cummins-law.com\)](mailto:Brendan.Cummins@Cummins-law.com)"
Subject: RE: Info - Request for Postponement
Date: Friday, May 30, 2014 1:07:45 PM
Attachments: [GPD0CS1-#3694019-v1-Letter to M Osthus re UST SEIU Local 284 case .DOCX](#)

Here is the letter to Marlin. You are cc'd. I will email him directly as well. Thank you. We have made progress and are talking again at 1:00. We have identified further issues for discussion in terms of the unit scope. We seem close to agreement on a mail ballot but have details to discuss given that the 42d day from filing is July 4. Eligibility thresholds are still in play.

Mark Mathison
Attorney



Gray Plant Mooty
500 IDS Center
80 South Eighth Street
Minneapolis, MN USA 55402

Phone: 612.632.3247
Fax: 612.632.4247

Mark.Mathison@gpmlaw.com

[Click Here For My Bio](#)

From: Simon-Miller, Rachael M. [<mailto:Rachael.Simon-Miller@nlrb.gov>]
Sent: Friday, May 30, 2014 11:53 AM
To: Mathison, Mark S.
Subject: Info - Request for Postponement

Mr. Mathison,

I should let you know that if you plan to submit a request for postponement of the hearing, that should be made as early as possible **today** in order to allow time to cancel the hearing in the event of an approved request. As I mentioned earlier, any request should be accompanied by evidence of the parties' substantive discussions regarding an election agreement, including your client's position on the date for a mail ballot, eligibility to vote, and any potential unit issues.

Hope to talk to you soon,

Rachael Simon-Miller, Field Attorney

National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

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or other entity, investment plan or arrangement relating to any one or more taxpayers.

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500 IDS CENTER
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MAIN: 612.632.3000
FAX: 612.632.4444

MARK S. MATHISON
ATTORNEY
DIRECT DIAL: 612.632.3247
DIRECT FAX: 612.632.4247
MARK.MATHISON@GPMLAW.COM

May 30, 2014

Marlin O. Osthus
Regional Director
National Labor Relations Board
790 Towle Building
330 Second Avenue South
Minneapolis MN 55401

VIA EMAIL: marlin.osthus@nrlrb.gov

Re: University of St. Thomas, Case No. 18-RC-129281

Dear Mr. Osthus:

This is a request of the Employer in the R case referenced above for a postponement of the Representation Hearing initially scheduled for June 3 ("Request"). The Request is being made for good cause and based upon the existence of extraordinary circumstances, as described below.

The Employer hereby requests postponement of the Representation Hearing to June 6, 2014. The Petitioner acquiesces and joins in this Request.

Good cause and extraordinary circumstances support this Request. The size and complexity of the petitioned-for bargaining unit gives rise to numerous potential issues of unit identification and scope, which puts the showing of interest in play as well as the possibility of any stipulated election agreement. This size and complexity necessitates a sheer quantity and level of analysis that constitutes extraordinary circumstances. The Employer cannot be reasonably expected to have completed such analysis in time to prepare for a hearing or, in the alternative, to have meaningfully negotiated a stipulated election agreement.

Furthermore, the Petition was delivered to the office of the President of the University by facsimile late on the Friday before a holiday weekend, and no representative of the Employer was aware of or had seen the Petition until the regular return to work date of Tuesday, May 27. This caused a loss to the Employer of four full days of processing time, which we contend constitute extraordinary circumstances justifying the requested postponement.

Marlin O. Osthus
Page 2
May 30, 2014

Thank you for your consideration of this Request.

Very truly yours,

/s/ Mark S. Mathison

Mark S. Mathison
Attorney

MSM: 

c via email: Denise Welte (Petitioner)
Brendan Cummins
Rachael Simon-Miller

Marlin O. Osthus
Page 3
May 30, 2014

bc: Abigail S. Crouse, Esq.

GP:3694019 v1

From: [Mathison, Mark S.](#)
To: [Simon-Miller, Rachael M.](#)
Cc: "dwelte@local284.com"; "[Brendan Cummins \(brendan@Cummins-law.com\)](mailto:Brendan.Cummins@Cummins-law.com)"
Subject: RE: Info - Request for Postponement
Date: Friday, May 30, 2014 2:39:44 PM

Rachael, here is an update based on the conference call just concluded between Denise, Brendan and me. They have authorized me in general to send you this but are copied and invited to re-state anything I say with which they do not agree.

1. The parties have agreed to a mail ballot with ballots mailed out on July 3, 2014, and a return date of July 18.
2. The parties have made good progress on unit scope and eligibility issues but have not come to any agreement yet on those. "Good progress" means that we have substantially identified and narrowed the issues. The Employer has made proposals on those issues in rough form, and has agreed to provide some proposed language around those proposals to the Union by Monday. In the meantime the Union is looking at an NLRB case on eligibility of adjunct faculty to which we referred them and that we believe supports our proposal. That case is *C.W. Post*, 198 NLRB 453, 454 (1972).
3. We are all very hopeful that rescheduling of the hearing will be approved per our Request, allowing us the first part of next week to get a stip worked out.

We would appreciate hearing from you ASAP on the status of our postponement Request. Thank you.

From: Mathison, Mark S.
Sent: Friday, May 30, 2014 12:08 PM
To: 'Simon-Miller, Rachael M.'
Cc: 'dwelte@local284.com'; 'Brendan Cummins (brendan@Cummins-law.com)'
Subject: RE: Info - Request for Postponement

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Mark Mathison

Attorney



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Minneapolis, MN USA 55402

Phone: 612.632.3247
Fax: 612.632.4247

Mark.Mathison@gpmlaw.com

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Sent: Friday, May 30, 2014 11:53 AM
To: Mathison, Mark S.
Subject: Info - Request for Postponement
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Hope to talk to you soon,

Rachael Simon-Miller, Field Attorney

National Labor Relations Board, Region 18

330 Second Avenue South, Suite 790

Minneapolis, MN 55401

Tel: 612.348.1746

Fax: 612.348.1785

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From: [Simon-Miller, Rachael M.](#)
To: ["Brendan Cummins"](#)
Subject: UST Eligibility Question
Date: Monday, June 2, 2014 10:55:34 AM

Good Morning Brendan,

I spoke with regional management regarding the question on adjunct eligibility and whether that issue would go to hearing or not. I'm told that if the parties do not agree on an eligibility standard, **the RD will resolve the issue with a hearing** and a Decision and Direction of Election including the RD's conclusion on the appropriate eligibility formula.

After considering just the initial facts presently known to the Region, regional management suggested that at this point it would be inclined to find that the most appropriate eligibility formula would include part-time adjuncts from **both** semesters of the 2013-2014 school year, as the Union is seeking to represent all part-time adjuncts, and the fall adjuncts are as affected by the outcome of any election as the spring adjuncts are.

Give me a call if you have more questions.

Thanks,

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: [Brendan Cummins](#)
To: [Simon-Miller, Rachael M.](#); ["Mathison, Mark S."](#); ["Denise Welte"](#)
Subject: RE: Update - UST petition
Date: Tuesday, June 3, 2014 2:34:10 PM
Attachments: [image001.png](#)

Rachael:

We all spoke this morning and are scheduled to talk again at 4:30 p.m. today. We are waiting for a written proposal from the employer which should come today.

--Brendan

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From: Simon-Miller, Rachael M. [mailto:Rachael.Simon-Miller@nlrb.gov]

Sent: Tuesday, June 03, 2014 8:53 AM

To: 'Mathison, Mark S.'; Brendan Cummins; 'Denise Welte'

Subject: Update - UST petition

Good Morning,

I hope you all had a nice weekend. I also hope that you have made further progress on reaching an election agreement after the RD granted the request for a postponement. Please give me a call later today with an update.

Thanks,

Rachael Simon-Miller, Field Attorney

National Labor Relations Board, Region 18

330 Second Avenue South, Suite 790

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Tel: 612.348.1746

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Thank you.

From: [Simon-Miller, Rachael M.](#)
To: ["Mathison, Mark S."](#)
Subject: St. Thomas
Date: Wednesday, June 4, 2014 9:21:54 AM

Good Morning,

I'd like to talk to you this morning about where the parties are at in the stip negotiation process. There seemed to be lots of communicating on Friday, but it is now Wednesday and I've heard nothing more. Please call me with an update ASAP. I'll call you by noon if I don't hear from you.

Thanks,

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: [Simon-Miller, Rachael M.](#)
To: ["Brendan Cummins"](#)
Cc: [Denise Welte \(dwelte@local284.com\)](#)
Subject: RE: Update - UST petition
Date: Wednesday, June 4, 2014 9:34:03 AM
Attachments: [image001.png](#)

Will do. Thanks for the update. I will follow up you this afternoon.

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: Brendan Cummins [mailto:brendan@cummins-law.com]
Sent: Tuesday, June 03, 2014 6:04 PM
To: Simon-Miller, Rachael M.
Cc: Denise Welte (dwelte@local284.com)
Subject: RE: Update - UST petition

Rachael:

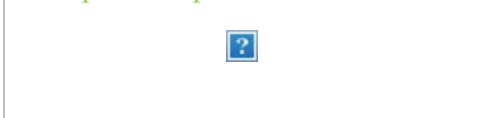
We still have not received a written proposal from the employer despite several phone conversations, including two today. I do not get the sense there are any significant sticking points between the parties, but we will not know until we see what the employer actually puts in writing and proposes.

When pressed about a timeline, the employer's latest response was "hopefully mid-morning Wednesday." Previously we have been told hopefully last Friday, then hopefully early Monday, and now hopefully early Wednesday. If you could lean on the employer to move this process forward it would be helpful. We do not want to be put in a position of having to push this to the last possible minute. Thanks.

--Brendan

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www.cummins-law.com

From: Simon-Miller, Rachael M. [mailto:Rachael.Simon-Miller@nrlrb.gov]
Sent: Tuesday, June 03, 2014 8:53 AM
To: 'Mathison, Mark S.'; Brendan Cummins; 'Denise Welte'
Subject: Update - UST petition

Good Morning,

I hope you all had a nice weekend. I also hope that you have made further progress on reaching an election agreement after the RD granted the request for a postponement. Please give me a call later today with an update.

Thanks,

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18

330 Second Avenue South, Suite 790
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Tel: 612.348.1746
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Thank you.

From: [Mathison, Mark S.](#)
To: [Simon-Miller, Rachael M.](#)
Subject: RE: St. Thomas
Date: Wednesday, June 4, 2014 10:47:51 AM

We have made substantial progress. I owe the union a written unit proposal which I hope to have to them sometime this morning and after which we will confer again based on that proposal.

Mark Mathison

Attorney



Gray Plant Mooty
500 IDS Center
80 South Eighth Street
Minneapolis, MN USA 55402

Phone: 612.632.3247
Fax: 612.632.4247

Mark.Mathison@gpmlaw.com

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From: Simon-Miller, Rachael M. [mailto:Rachael.Simon-Miller@nlrb.gov]

Sent: Wednesday, June 04, 2014 8:22 AM

To: Mathison, Mark S.

Subject: St. Thomas

Good Morning,

I'd like to talk to you this morning about where the parties are at in the stip negotiation process.

There seemed to be lots of communicating on Friday, but it is now Wednesday and I've heard nothing more. Please call me with an update ASAP. I'll call you by noon if I don't hear from you.

Thanks,

Rachael Simon-Miller, Field Attorney

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From: [Brendan Cummins](#)
To: [Mathison, Mark S.; "Denise Welte"](#)
Cc: [Simon-Miller, Rachael M.](#)
Subject: University of St. Thomas
Date: Wednesday, June 4, 2014 11:50:51 AM
Attachments: [image001.png](#)
[image002.jpg](#)

Mark: Do you have a written proposal for us? Time is short.

--Brendan

MSBA Board Certified Labor & Employment Law Specialist

Description: Capture



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Minneapolis, MN 55402 | 612.465.0108 (t) | 612.465.0109 (f)

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From: Mathison, Mark S. [<mailto:Mark.Mathison@gpmlaw.com>]

Sent: Monday, June 02, 2014 5:10 PM

To: Brendan Cummins; 'Denise Welte'

Subject: RE: Request for Postponement

Can you also comment on why all the graduate adjuncts have been excluded? I might like to talk about that in the morning as well.

From: Brendan Cummins [<mailto:brendan@cummins-law.com>]

Sent: Monday, June 02, 2014 2:53 PM

To: Mathison, Mark S.; 'Denise Welte'

Subject: RE: Request for Postponement

Mark: We are currently researching the issue and will be ready to talk about this tomorrow.

--Brendan

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Description: Capture



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From: Mathison, Mark S. [<mailto:Mark.Mathison@gpmlaw.com>]

Sent: Monday, June 02, 2014 2:52 PM

To: Brendan Cummins; 'Denise Welte'

Subject: RE: Request for Postponement

Brandan, I don't believe the Spring Semester limitation is supportable in the adjunct context. Let me know if you have any contrary authority on that.

From: Brendan Cummins [<mailto:brendan@cummins-law.com>]

Sent: Monday, June 02, 2014 1:37 PM

To: Mathison, Mark S.; 'Denise Welte'
Subject: RE: Request for Postponement
Mark:

We were waiting to get written proposals from you before providing a definitive response. I can tell you that these are our preliminary responses on the issues you raised:

1. Job titles: Let us know your specific concerns and suggested rephrasing when you have had a chance to confer with your client. This should not be a significant issue since we should be able to figure out which titles accurately and completely reflect the unit.
2. "Regular" Part-Time: This should not be an issue as long as we can agree on a voter eligibility formula and as long as the NLRB does not insist on using the word "regular."
3. Excluding adjuncts who teach undergraduates at the Law School and Divinity School: We would need to make sure we are clear on which schools would be excluded but are not opposed in principle. Also, we would need to discuss the issue of dual function employees that you raised, if there are any such employees that teach in the schools you referenced but also teach as part-time adjuncts at other schools.
4. Voter eligibility: We would prefer a Spring Semester definition (in other words, tracking the "current employee" approach) as we discussed over the phone.

--Brendan

MSBA Board Certified Labor & Employment Law Specialist

Description: Capture



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www.cummins-law.com

From: Mathison, Mark S. [<mailto:Mark.Mathison@gpmlaw.com>]

Sent: Monday, June 02, 2014 1:18 PM

To: 'Denise Welte'; Brendan Cummins

Subject: RE: Request for Postponement

Shall we set a time Tuesday for further discussions? Or will you be ready with responses to our proposals later this afternoon? I don't know that I will have everything on my end today.

From: Simon-Miller, Rachael M. [<mailto:Rachael.Simon-Miller@nlrb.gov>]

Sent: Friday, May 30, 2014 1:32 PM

To: Mathison, Mark S.; 'Denise Welte'; 'Brendan Cummins'

Subject: Request for Postponement

Hello All,

The request for postponement has been granted – the hearing is now rescheduled to take place on **Friday, June 6 at 9:00 a.m.**

As to the concern over mail ballot dates, if the 42nd day falls on July 4, the latest the Region will mail the ballots is on the 41st day. We won't agree to a mailing date beyond the 42nd day, and the office (and post office) is closed on July 4.

Please keep me posted or call me with any questions; and thank you for your efforts in reaching an agreement.

Rachael Simon-Miller, Field Attorney

National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: Mathison, Mark S. [<mailto:Mark.Mathison@gpmlaw.com>]

Sent: Friday, May 30, 2014 12:08 PM

To: Simon-Miller, Rachael M.

Cc: 'dwelte@local284.com'; 'Brendan Cummins (brendan@Cummins-law.com)'

Subject: RE: Info - Request for Postponement

Here is the letter to Marlin. You are cc'd. I will email him directly as well. Thank you. We have made progress and are talking again at 1:00. We have identified further issues for discussion in terms of the unit scope. We seem close to agreement on a mail ballot but have details to discuss given that the 42d day from filing is July 4. Eligibility thresholds are still in play.

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Attorney

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Fax: 612.632.4247

Mark.Mathison@gpmlaw.com

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Sent: Friday, May 30, 2014 11:53 AM

To: Mathison, Mark S.

Subject: Info - Request for Postponement

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Hope to talk to you soon,

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Thank you.

From: [Simon-Miller, Rachael M.](#)
To: ["Brendan Cummins"; Mathison, Mark S.; "Denise Welte"](#)
Subject: RE: University of St. Thomas
Date: Wednesday, June 4, 2014 12:14:38 PM
Attachments: [image001.png](#)
[image002.jpg](#)

Time is indeed short.

The Region must receive a signed copy of a stipulated election agreement by 12:00 p.m. (noon) tomorrow in order to process the paperwork and timely cancel the hearing on Friday.

I am going to generate a draft stipulated election agreement using the mail ballot language and the dates already agreed upon. If I do not hear from the parties early this afternoon as to unit description and eligibility, I will follow-up with you at around 3:00 pm today.

Thanks,

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: Brendan Cummins [<mailto:brendan@cummins-law.com>]
Sent: Wednesday, June 04, 2014 10:51 AM
To: Mathison, Mark S.; 'Denise Welte'
Cc: Simon-Miller, Rachael M.
Subject: University of St. Thomas

Mark: Do you have a written proposal for us? Time is short.

--Brendan

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To: Brendan Cummins; 'Denise Welte'
Subject: RE: Request for Postponement

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Sent: Monday, June 02, 2014 2:53 PM
To: Mathison, Mark S.; 'Denise Welte'
Subject: RE: Request for Postponement

Mark: We are currently researching the issue and will be ready to talk about this tomorrow.

--Brendan

MSBA Board Certified Labor & Employment Law Specialist

Description: Capture

Cummins & Cummins, LLP
1245 International Centre | 920 Second Avenue South
Minneapolis, MN 55402 | 612.465.0108 (t) | 612.465.0109 (f)
www.cummins-law.com

From: Mathison, Mark S. [<mailto:Mark.Mathison@gpmlaw.com>]

Sent: Monday, June 02, 2014 2:52 PM

To: Brendan Cummins; 'Denise Welte'

Subject: RE: Request for Postponement

Brandan, I don't believe the Spring Semester limitation is supportable in the adjunct context. Let me know if you have any contrary authority on that.

From: Brendan Cummins [<mailto:brendan@cummins-law.com>]

Sent: Monday, June 02, 2014 1:37 PM

To: Mathison, Mark S.; 'Denise Welte'

Subject: RE: Request for Postponement

Mark:

We were waiting to get written proposals from you before providing a definitive response. I can tell you that these are our preliminary responses on the issues you raised:

1. Job titles: Let us know your specific concerns and suggested rephrasing when you have had a chance to confer with your client. This should not be a significant issue since we should be able to figure out which titles accurately and completely reflect the unit.
2. "Regular" Part-Time: This should not be an issue as long as we can agree on a voter eligibility formula and as long as the NLRB does not insist on using the word "regular."
3. Excluding adjuncts who teach undergraduates at the Law School and Divinity School: We would need to make sure we are clear on which schools would be excluded but are not opposed in principle. Also, we would need to discuss the issue of dual function employees that you raised, if there are any such employees that teach in the schools you referenced but also teach as part-time adjuncts at other schools.
4. Voter eligibility: We would prefer a Spring Semester definition (in other words, tracking the "current employee" approach) as we discussed over the phone.

--Brendan

MSBA Board Certified Labor & Employment Law Specialist

Description: Capture



Cummins & Cummins, LLP
1245 International Centre | 920 Second Avenue South
Minneapolis, MN 55402 | 612.465.0108 (t) | 612.465.0109 (f)
www.cummins-law.com

From: Mathison, Mark S. [<mailto:Mark.Mathison@gpmlaw.com>]

Sent: Monday, June 02, 2014 1:18 PM

To: 'Denise Welte'; Brendan Cummins

Subject: RE: Request for Postponement

Shall we set a time Tuesday for further discussions? Or will you be ready with responses to our proposals later this afternoon? I don't know that I will have everything on my end today.

From: Simon-Miller, Rachael M. [<mailto:Rachael.Simon-Miller@nlrb.gov>]
Sent: Friday, May 30, 2014 1:32 PM
To: Mathison, Mark S.; 'Denise Welte'; 'Brendan Cummins'
Subject: Request for Postponement

Hello All,

The request for postponement has been granted – the hearing is now rescheduled to take place on **Friday, June 6 at 9:00 a.m.**

As to the concern over mail ballot dates, if the 42nd day falls on July 4, the latest the Region will mail the ballots is on the 41st day. We won't agree to a mailing date beyond the 42nd day, and the office (and post office) is closed on July 4.

Please keep me posted or call me with any questions; and thank you for your efforts in reaching an agreement.

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: Mathison, Mark S. [<mailto:Mark.Mathison@gpmlaw.com>]
Sent: Friday, May 30, 2014 12:08 PM
To: Simon-Miller, Rachael M.
Cc: 'dwelte@local284.com'; 'Brendan Cummins (brendan@Cummins-law.com)'
Subject: RE: Info - Request for Postponement

Here is the letter to Marlin. You are cc'd. I will email him directly as well. Thank you. We have made progress and are talking again at 1:00. We have identified further issues for discussion in terms of the unit scope. We seem close to agreement on a mail ballot but have details to discuss given that the 42d day from filing is July 4. Eligibility thresholds are still in play.

Mark Mathison

Attorney

Gray Plant Mooty
500 IDS Center
80 South Eighth Street
Minneapolis, MN USA 55402

Phone: 612.632.3247
Fax: 612.632.4247

Mark.Mathison@gpmlaw.com

[Click Here For My Bio](#)



From: Simon-Miller, Rachael M. [<mailto:Rachael.Simon-Miller@nlrb.gov>]
Sent: Friday, May 30, 2014 11:53 AM
To: Mathison, Mark S.
Subject: Info - Request for Postponement

Mr. Mathison,

I should let you know that if you plan to submit a request for postponement of the hearing, that should be made as early as possible **today** in order to allow time to cancel the hearing in the event of an approved request. As I mentioned earlier, any request should be accompanied by evidence of the parties' substantive discussions regarding an election agreement, including your client's position

on the date for a mail ballot, eligibility to vote, and any potential unit issues.

Hope to talk to you soon,

Rachael Simon-Miller, Field Attorney

National Labor Relations Board, Region 18

330 Second Avenue South, Suite 790

Minneapolis, MN 55401

Tel: 612.348.1746

Fax: 612.348.1785

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Thank you.

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Thank you.

The information contained in this e-mail and any attachments may be attorney-client privileged, proprietary, and/or confidential information. If the reader of this e-mail is not the intended recipient, you are hereby notified that any copying, distribution, or use of this e-mail, any attachments, and/or any contents thereof is strictly prohibited. If you received this transmission in error, please immediately notify us at the e-mail address above.
Thank you.

From: [Mathison, Mark S.](#)
To: [Simon-Miller, Rachael M.](#)
Subject: RE: University of St. Thomas
Date: Thursday, June 5, 2014 10:55:16 AM
Attachments: [image001.jpg](#)
[Adjunct Faculty List \(2\)06052014.pdf](#)

And here is the updated list with the missing name added, so this shows 301 names.

From: Mathison, Mark S.
Sent: Thursday, June 05, 2014 9:52 AM
To: 'Simon-Miller, Rachael M.'
Subject: RE: University of St. Thomas
Here is the missing attachment to my email below.

From: Mathison, Mark S.
Sent: Thursday, June 05, 2014 9:52 AM
To: 'Simon-Miller, Rachael M.'
Subject: RE: University of St. Thomas
Here is the employee list for checking the showing of interest. There should actually be at least one more name on this list, which I can provide, but the number here is 300. (See the count at the bottom of the last page.) Please call me to discuss the sufficiency of the showing.

From: Mathison, Mark S.
Sent: Thursday, June 05, 2014 9:10 AM
To: 'Simon-Miller, Rachael M.'
Subject: RE: University of St. Thomas
We are working accordingly.

From: Simon-Miller, Rachael M. [<mailto:Rachael.Simon-Miller@nlrb.gov>]
Sent: Thursday, June 05, 2014 8:51 AM
To: Mathison, Mark S.
Subject: RE: University of St. Thomas
Thanks for your message, Mark.

Keep in mind we only have until 12:00 pm to get the signed stip, so if you want to challenge the showing of interest before signing, it should be done ASAP.

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: Mathison, Mark S. [<mailto:Mark.Mathison@gpmlaw.com>]
Sent: Wednesday, June 04, 2014 11:07 PM
To: Simon-Miller, Rachael M.
Subject: RE: University of St. Thomas

Rachel: We are very close to agreement on a SEA, I think, as of this evening. Before we stip, however, we want to check the showing of interest. I intend to get you an employee list in the morning.

Mark Mathison
Attorney

Gray Plant Mooty
500 IDS Center
80 South Eighth Street
Minneapolis, MN USA 55402



Phone: 612.632.3247
Fax: 612.632.4247

Mark.Mathison@gpmlaw.com

[Click Here For My Bio](#)

From: Mathison, Mark S.

Sent: Wednesday, June 04, 2014 4:41 PM

To: 'Simon-Miller, Rachael M.'

Subject: RE: University of St. Thomas

Importance: High

Please call me to discuss a question I have.

NOTICES: Pursuant to the rules of professional conduct set forth in Circular 230, as promulgated by the United States Department of the Treasury, unless we expressly state otherwise in this communication, nothing contained in this communication was intended or written to be used by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer by the Internal Revenue Code of 1986, and it cannot be used by any taxpayer for such purpose. No one, without our express prior written permission, may use or refer to any tax advice in this communication in promoting, marketing or recommending a partnership or other entity, investment plan or arrangement relating to any one or more taxpayers.

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From: [Simon-Miller, Rachael M.](#)
To: ["Mathison, Mark S."](#)
Subject: RE: University of St. Thomas
Date: Thursday, June 5, 2014 11:55:20 AM
Attachments: [image001.jpg](#)

Sorry about the delay, just finished checking it. It is **sufficient**.

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: Mathison, Mark S. [mailto:Mark.Mathison@gpmlaw.com]
Sent: Thursday, June 05, 2014 10:54 AM
To: Simon-Miller, Rachael M.
Subject: RE: University of St. Thomas
What is the status of the showing of interest? Sufficient or not?

From: Mathison, Mark S.
Sent: Thursday, June 05, 2014 9:55 AM
To: 'Simon-Miller, Rachael M.'
Subject: RE: University of St. Thomas
And here is the updated list with the missing name added, so this shows 301 names.

From: Mathison, Mark S.
Sent: Thursday, June 05, 2014 9:52 AM
To: 'Simon-Miller, Rachael M.'
Subject: RE: University of St. Thomas
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From: Mathison, Mark S.
Sent: Thursday, June 05, 2014 9:10 AM
To: 'Simon-Miller, Rachael M.'
Subject: RE: University of St. Thomas
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From: Simon-Miller, Rachael M. [mailto:Rachael.Simon-Miller@nlrb.gov]
Sent: Thursday, June 05, 2014 8:51 AM
To: Mathison, Mark S.
Subject: RE: University of St. Thomas
Thanks for your message, Mark.

Keep in mind we only have until 12:00 pm to get the signed stip, so if you want to challenge the showing of interest before signing, it should be done ASAP.

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746

Fax: 612.348.1785

From: Mathison, Mark S. [<mailto:Mark.Mathison@gpmlaw.com>]

Sent: Wednesday, June 04, 2014 11:07 PM

To: Simon-Miller, Rachael M.

Subject: RE: University of St. Thomas

Rachel: We are very close to agreement on a SEA, I think, as of this evening. Before we stip, however, we want to check the showing of interest. I intend to get you an employee list in the morning.

Mark Mathison

Attorney

Gray Plant Mooty
500 IDS Center
80 South Eighth Street
Minneapolis, MN USA 55402



Phone: 612.632.3247

Fax: 612.632.4247

Mark.Mathison@gpmlaw.com

[Click Here For My Bio](#)

From: Mathison, Mark S.

Sent: Wednesday, June 04, 2014 4:41 PM

To: 'Simon-Miller, Rachael M.'

Subject: RE: University of St. Thomas

Importance: High

Please call me to discuss a question I have.

NOTICES: Pursuant to the rules of professional conduct set forth in Circular 230, as promulgated by the United States Department of the Treasury, unless we expressly state otherwise in this communication, nothing contained in this communication was intended or written to be used by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer by the Internal Revenue Code of 1986, and it cannot be used by any taxpayer for such purpose. No one, without our express prior written permission, may use or refer to any tax advice in this communication in promoting, marketing or recommending a partnership or other entity, investment plan or arrangement relating to any one or more taxpayers.

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From: [Simon-Miller, Rachael M.](#)
To: ["Mathison, Mark S.";](#) ["Brendan Cummins \(brendan@Cummins-law.com\);"](#) ["dwelte@local284.com"](#)
Subject: Stipulated Election Agreement
Date: Thursday, June 5, 2014 12:38:31 PM
Attachments: [AGR.18-RC-129281.Stipulated Election Agreement.pdf](#)

All,

Regional management has briefly examined the proposed language and sees no problems, although of course the stip will not be formally approved until it is signed.

Attached is the stipulated election agreement including the language agreed-upon by the parties. A representative of each party should initial the first three pages, sign and date the last page, and then scan the signed copy and return to me by email. I hope to receive it back by 12:00 p.m. or soon thereafter.

Thanks again,

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: [Simon-Miller, Rachael M.](#)
To: ["Mathison, Mark S."](#)
Subject: Employee Addresses
Date: Friday, June 6, 2014 4:22:01 PM

Hi Mark,

I received your voicemail and then asked our election specialist your question. The employee list should include the addresses of wherever the employees will be at the time of the mailing. If, after you've submitted the list with addresses, you find out that an employee's address will be different than the one you earlier submitted, you should contact the Region and let us know and then we will provide that information to the Union. Thereafter, we'll use that new address for mailing the notice and the ballots. Keep in mind that the notices go out two weeks ahead of the ballots, so we should have all of the good addresses by then.

Thanks,

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: [Simon-Miller, Rachael M.](#)
To: ["Denise Welte"](#)
Subject: Updated Addresses - St. Thomas
Date: Friday, June 20, 2014 12:46:21 PM

Hi Denise,

Below are five updated addresses in the St. Thomas case, which the Employer sent to us yesterday. We are resending Notices to these updated addresses and will use these new addresses for the ballots.

Thanks,

Rachael Simon-Miller

(b) (6), (b) (7)(C)

Date	Time	UST ID Number	First Name	Last Name	Street	Apt/Unit	City	State	Zip Code
------	------	---------------	------------	-----------	--------	----------	------	-------	----------

(b) (6), (b) (7)(C)

From: [Simon-Miller, Rachael M.](#)
To: ["Denise Welte"](#)
Subject: FW: University of St. Thomas, Case 18-RC-129281
Date: Thursday, June 26, 2014 10:39:57 AM

Denise,

Here is another updated address in the UST matter. This individual called our office to give us (b) (6), (b) (7)(C) new address. (b) (6), (b) (7)(C) notice was forwarded to (b) (6), (b) (7)(C) by the post office.

(b) (6), (b) (7)(C) new address is:

(b) (6), (b) (7)(C)

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: Collins, Carol M.
Sent: Thursday, June 26, 2014 9:38 AM
To: Simon-Miller, Rachael M.
Subject: University of St. Thomas, Case 18-RC-129281

Rachael,

The following individual called and spoke with Marlin. (b) (6), (b) (7)(C) has a new address. (b) (6), (b) (7)(C) notice was forwarded to (b) (6), (b) (7)(C) by the post office. (b) (6), (b) (7)(C) new address is:

(b) (6), (b) (7)(C)

Carol Collins, Election Clerk
NLRB, Region 18, Minneapolis, MN

From: [Simon-Miller, Rachael M.](#)
To: ["Mathison, Mark S."](#)
Subject: University of St. Thomas, Case 18-RC-129281
Date: Monday, June 30, 2014 11:25:47 AM

Mark,

We received a phone call from an individual who said that (b) (6) was a (b) (6), (b) (7)(C) and did not receive a Notice. (b) (6) name is not on the Excelsior List you submitted. We sent (b) (6), (b) (6) a Notice, and would now like to know your position on (b) (6) eligibility. I will ask the Union as well. As you know, (b) (6) can be added to the list with the agreement of the parties or (b) (6) can vote under challenge.

Here is the name and address:

(b) (6), (b) (7)(C)

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: [Simon-Miller, Rachael M.](#)
To: ["Denise Welte"](#)
Subject: University of St. Thomas, Case 18-RC-129281
Date: Monday, June 30, 2014 11:27:14 AM

Denise,

We received a phone call from an individual who said that (b) (6) was a (b) (6), (b) (7)(C) and did not receive a Notice. (b) (6) name is not on the Excelsior List. We sent (b) (6), (b) (6) a Notice, and would now like to know your position on (b) (6) eligibility. I will ask the Employer as well. As you know, (b) (6) can be added to the list with the agreement of the parties or (b) (6) can vote subject to challenge.

Here is the name and address:

(b) (6), (b) (7)(C)
[Redacted Address]

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: [Simon-Miller, Rachael M.](#)
To: ["Denise Welte"](#)
Cc: [Brendan Cummins](#)
Subject: RE: Bad addresses
Date: Monday, June 30, 2014 11:42:56 AM

Thanks, Denise. I contacted the Employer's attorney about getting updated addresses for these people.

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: Denise Welte [mailto:dwelte@local284.com]

Sent: Friday, June 27, 2014 2:17 PM

To: Simon-Miller, Rachael M.

Cc: Brendan Cummins

Subject: FW: Bad addresses

Hi Rachel,

The following is a list of bad addresses that we identified during our house visits of the UST Adjuncts who are on the Excelsior list...

Denise

Denise Welte

Organizing Director

Adjunct Action

SEIU Local 284

dwelte@local284.com

651-256-9117

507-269-4622

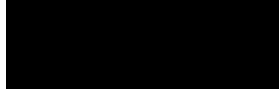
[Like our page on Facebook](#)

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(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

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This email has been scanned by the McAfee Email Security System.
For more information please visit <http://www.mcafee.com>.

From: [Simon-Miller, Rachael M.](#)
To: "Denise Welte"
Subject: RE: University of St. Thomas, Case 18-RC-129281
Date: Wednesday, July 2, 2014 5:15:44 PM

Denise,

As a reminder, you were going to send us the correct address for (b) (6), (b) (7)(C).

Thanks,

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: Denise Welte [mailto:dwelte@local284.com]
Sent: Monday, June 30, 2014 9:51 PM
To: Simon-Miller, Rachael M.
Subject: RE: University of St. Thomas, Case 18-RC-129281

Hi Rachael,

We are still encountering some bad addresses with the Excelsior list: The university gave us a bad address for (b) (6), (b) (7)(C). we visited this address several times to confirm that it was wrong. We were able to find (b) (6), (b) (7)(C) correct address through another data base. (b) (6), (b) (7)(C) said that the university mails (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) correct address on a regular basis to give (b) (6), (b) (7)(C) pay stubs, etc.

I will send you more names on Tuesday with bad addresses along with the correct address for (b) (6), (b) (7)(C).

Best.

Denise

Denise Welte
Organizing Director
Adjunct Action
SEIU Local 284
dwelte@local284.com
651-256-9117
507-269-4622
[Like our page on Facebook](#)
[Follow us on Twitter @SEIUlocal284](#)

From: Simon-Miller, Rachael M. [mailto:Rachael.Simon-Miller@nrlb.gov]
Sent: Thursday, June 26, 2014 9:40 AM
To: Denise Welte
Subject: FW: University of St. Thomas, Case 18-RC-129281

Denise,

Here is another updated address in the UST matter. This individual called our office to give us (b) (6), (b) (7)(C) new address. (b) (6), (b) (7)(C) notice was forwarded (b) (6), (b) (7)(C) her by the post office.

(b) (6), (b) (7)(C) new address is:

(b) (6), (b) (7)(C)

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: Collins, Carol M.
Sent: Thursday, June 26, 2014 9:38 AM
To: Simon-Miller, Rachael M.
Subject: University of St. Thomas, Case 18-RC-129281

Rachael,

The following individual called and spoke with Marlin: (b) (6), (b) (7)(C) has a new address. (b) (6), (b) (7)(C) notice was forwarded to (b) (6), (b) (7)(C) by the post office. (b) (6), (b) (7)(C) new address is:

(b) (6), (b) (7)(C)

Carol Collins, Election Clerk
NLRB, Region 18, Minneapolis, MN

This email has been scanned by the McAfee Email Security System.
For more information please visit <http://www.mcafee.com>.

From: Simon-Miller, Rachael M.
To: "Denise Welte"
Subject: RE: UST
Date: Tuesday, July 8, 2014 4 02:44 PM

Denise,

We use UPS overnight, which does international shipping. We don't know how long it will take as we need the country's zip code to create a shipping label in order to get the time frame for delivery. The voter would then need to put their own postage on the yellow envelope or, in turn, put the yellow envelope into an express/overnight envelope for quicker delivery to our office if they so choose. If you are aware of eligible voters who are located at addresses other than those on the Excelsior List, please tell us as soon as you know.

Rachael Simon-Miller

-----Original Message-----

From: Denise Welte [<mailto:dwelte@local284.com>]
Sent: Tuesday, July 08, 2014 2:59 PM
To: Simon-Miller, Rachael M
Subject: RE: UST

Yes, thank you!

Denise

From: Simon-Miller, Rachael M. [Rachael.Simon-Miller@nlrb.gov]
Sent: Tuesday, July 8, 2014 12:42 PM
To: Denise Welte
Subject: RE: UST

Yes, we are checking into exactly how to do that. Are these people on the Excelsior list?

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612 348 1746
Fax: 612 348 1785

From: Denise Welte [<mailto:dwelte@local284.com>]
Sent: Tuesday, July 08, 2014 11:24 AM
To: Simon-Miller, Rachael M
Subject: UST

Hi Rachael,

We have 5 supportive professors that are currently out of the Country, is there a way to overnight them a ballot for the University of St. Thomas election?

Best,

Denise

Denise Welte
Organizing Director
Adjunct Action
SEIU Local 284
dwelte@local284.com <<mailto:dwelte@local284.com>>
651-256-9117
507-269-4622

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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

UNIVERSITY OF ST. THOMAS

Case 18-RC-129281

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, the University of St. Thomas, a private nonprofit corporation for education purposes, is an institute for higher learning with its principal place of business in St. Paul, Minnesota. During the past 12 months, a representative period, the Employer derived gross revenues in excess of \$1,000,000 and, during that same period of time, purchased and received at its St. Paul and Minneapolis facilities products, goods and materials valued in excess of \$5,000 directly from points outside the State of Minnesota.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

The election will be conducted by mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit from the office of the National Labor Relations Board, Region 18, on July 3, 2014 at 4:30 p.m. Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 18 office by close of business on July 18, 2014. The mail ballots will be counted at the Region 18 office located at 330 2nd Ave S Ste 790, Minneapolis, MN 55401-2214 at 2:00 p.m. on Monday, July 21, 2014.

If any eligible voter does not receive a mail ballot or otherwise requires a duplicate mail ballot kit, he or she should contact the Region 18 office by no later than 4:30 p.m. on July 10, 2014 in order to arrange for another mail ballot kit to be sent to that employee.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All part-time non-tenured and non-tenure-track faculty employed by the University of St. Thomas to teach undergraduate-level labs or undergraduate-level credit-earning courses at the St. Paul and Minneapolis campuses located at 2115 Summit Ave., St. Paul, MN 55105 and 1000 LaSalle Ave., Minneapolis, MN 55403. The faculty in the unit include but are not limited to Adjunct Faculty, Senior Adjuncts, Participating Adjuncts, Supporting Adjuncts, and Adjuncts.

Excluded: All other faculty, including tenured and tenure-track faculty; full-time faculty; clinical faculty; limited term faculty; distinguished service faculty; visiting faculty; faculty who are concurrently employed as full-time or tenured or tenure-track faculty by another institution of higher education and are employed by the University with respect to a joint program with another institution of higher education; visiting scholars; music lesson faculty who exclusively teach music lessons; and faculty who exclusively teach: a course or lab not conducted primarily at the University's Minneapolis or St. Paul campuses, non-degree or non-credit earning courses, graduate-level courses, courses in the School of Law or the St. Paul Seminary School of Divinity, or online courses. Also excluded are all graduate assistants, teaching assistants, deans, associate deans, assistant deans, department chairs, divisional representatives, program chairs, directors, associate directors, administrators, managers, supervisors, coordinators, coaches, librarians, specialists, staff, confidential employees, guards, anyone else excluded by the Act, and all other employees, whether or not they have teaching responsibilities.

An employee who is in the bargaining unit scope by virtue of the unit description above, but who also teaches one or more graduate-level courses or has some other responsibilities or appointment(s) with the University, shall be considered a dual function employee, meaning that the employee is a member of the above-described bargaining unit solely for purposes of teaching undergraduate-level labs or undergraduate-level credit-earning courses on the Minneapolis or St. Paul campus, and that only such work falls within the bargaining unit. Any and all responsibilities and/or appointments other than teaching undergraduate-level lab(s) or undergraduate-level credit-earning course(s) on the Minneapolis or St. Paul campus are outside of the above-described bargaining unit.

Those eligible to vote in the election are employees in the above unit who were employed and worked within the scope of the unit described above during the payroll period ending May 31, 2014 (which has a payroll date of May 30, 2014), including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. Also eligible to vote are those in the unit who teach or taught or are contracted by June 6, 2014, to teach at least one undergraduate-level lab or undergraduate-level credit-earning course in the Fall 2013 semester, January 2014 term, the Spring 2014 semester, or the June or July 2014 Summer Sessions.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. ELECTION ELIGIBILITY LIST. Within seven (7) days after the Regional Director has approved this Agreement, the Employer shall provide to the Regional Director an election eligibility list containing the full names and addresses of all eligible voters. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *North Macon Health Care Facility*, 315 NLRB 359 (1994).

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of any voters or potential voters who only read a language other than English.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by SEIU Local 284?" The choices on the ballot will be "Yes" or "No".

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer will post copies of the Notice of Election in conspicuous places and usual posting places easily accessible to the voters at least three (3) full working days prior to 12:01 a.m. of the day of the election. As soon as the election arrangements are finalized, the Employer will be informed when the Notices must be posted in order to comply with the posting requirement. Failure to post the Election Notices as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

10. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

11. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

12. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

UNIVERSITY OF ST. THOMAS

(Employer)

SEIU LOCAL 284

(Petitioner)

By /s/ Mark S. Mathison 6/5/14
(Name) (Date)

By /s/ Denise Welte 6/5/14
(Name) (Date)

(Union)

Recommended: /s/ Rachel Simon-Miller
RACHAEL M. SIMON-MILLER, Field Attorney
(Date) 6/5/14

By _____
(Name) (Date)

Date approved: 6/5/14

/s/ Marlin O. Osthus
Regional Director, Region 18
National Labor Relations Board



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 18
330 2nd Ave S Ste 790
Minneapolis, MN 55401-2214

Agency Website: www.nlrb.gov
Telephone: (612)348-1757
Fax: (612)348-1785

June 5, 2014

JULIE SULLIVAN, PRESIDENT
UNIVERSITY OF ST. THOMAS
2115 SUMMIT AVENUE
ST. PAUL, MN 55105

DENISE WELTE, ORGANIZING DIRECTOR
SEIU LOCAL 284
450 SOUTHVIEW BLVD
SOUTH ST. PAUL, MN 55075

Re: UNIVERSITY OF ST. THOMAS
Case 18-RC-129281

Dear Ms. SULLIVAN and Ms. WELTE:

Enclosed is a copy of the election agreement that I have approved in this case. This letter will provide you with additional information about the election eligibility list, posting the election notices, and the agreed-upon election arrangements.

Election Eligibility List

It is longstanding Board policy that all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. In accordance with the terms of the election agreement, the Employer must file with me an election eligibility list, containing the **full** names and **complete** addresses (including postal zip codes) of all the eligible voters. Those eligible to vote in the election are employees in the above unit who were employed and worked within the scope of the unit described above during the payroll period ending May 31, 2014 (which has a payroll date of May 30, 2014), including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. Also eligible to vote are those in the unit who teach or taught or are contracted by June 6, 2014, to teach at least one undergraduate-level lab or undergraduate-level credit-earning course in the Fall 2013 semester, January 2014 term, the Spring 2014 semester, or the June or July 2014 Summer Sessions.

The list must be of sufficiently large type to be clearly legible, and the names should be alphabetized. I will make this list available to all parties to the election.

To be timely filed, the list must be received in this office on or before **June 12, 2014**. No extension of time to file this list may be granted except in extraordinary circumstances. Failure by the Employer to comply with this requirement is grounds for setting aside the election if proper objections are filed.

Electronic filing of the list through the Agency website is preferred but not required. To file electronically, go to **www.nlr.gov**, click on **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. The list also may be submitted to our office by fax to (612) 348-1785 or by regular mail to the address above. The burden of establishing the timely filing and receipt of the list is on the sending party.

Please be advised that in a mail ballot election, the election begins when the mail ballots are deposited by the Region in the mail.

Election Arrangements

The arrangements for the election in this matter are as follows:

Date and Time Mail Ballots to be Sent to Voters: Thursday, July 3, 2014 at 4:30 p.m.

Date Voters Are Requested to Notify Regional Office if Mail Ballot Not Received or Replacement Ballot Is Needed: Thursday, July 10, 2014 no later than 4:30 p.m.

Date Mail Ballots From Voters Must Be Received by Regional Office:
Friday, July 18, 2014 at 4:30 p.m.

Date, Time and Place of Ballot Count: The ballot count will be held on
Monday, July 21, 2014 at 2:00 p.m. at the Minneapolis Regional Office.

Representatives of the parties are invited to attend and observe the ballot count at which time they must voice any challenges to any of the ballots.

Posting of Election Notices

Election notices will soon be mailed to the parties. Section 103.20 of the Board's Rules and Regulations requires the Employer to timely post copies of the Board's official Notice of Election in conspicuous places. In this case, the notices must be posted **before 12:01 a.m. on Monday, June 30, 2014**. If the Employer does not receive copies of the notice by June 26, 2014, it should notify the Regional Office immediately. Pursuant to Section 103.20(c), a failure to do so precludes an employer from filing objections based on nonposting of the election notice.

To make it administratively possible to have election notices and ballots in a language other than English, please notify the Board agent immediately if that is necessary for this election. Also, as noted in paragraph 9 of the stipulated election agreement, if special accommodations are required for any voters, potential voters, or election participants to vote or reach the voting area, please tell the Board agent as soon as possible.

If there are any questions, please feel free to contact Field Attorney RACHAEL M. SIMON-MILLER at telephone number (612) 348-1746 or by email at rachael.simon-miller@nlrb.gov. The cooperation of all parties is sincerely appreciated.

Very truly yours,

/s/ Marlin O. Osthus

MARLIN O. OSTHUS
Regional Director

Enclosures

1. Approved Election Agreement

cc: MARK S. MATHISON, ATTORNEY
GRAY PLANT MOOTY
80 SOUTH EIGHTH STREET
500 IDS CENTER
MINNEAPOLIS, MN 55402-2100



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 18
330 2nd Ave S Ste 790
Minneapolis, MN 55401-2214

Agency Website: www.nlr.gov
Telephone: (612)348-1757
Fax: (612)348-1785

June 12, 2014

VIA FACSIMILIE ONLY

BRENDAN D. CUMMINS, ATTORNEY
CUMMINS & CUMMINS, LLP
920 SECOND AVENUE SOUTH
1245 INTERNATIONAL CENTRE
MINNEAPOLIS, MN 55402-3318

DENISE WELTE, ORGANIZING DIRECTOR
SEIU LOCAL 284
450 SOUTHVIEW BLVD
SOUTH ST. PAUL, MN 55075

Re: UNIVERSITY OF ST. THOMAS
Case 18-RC-129281

Dear Mr. CUMMINS and Ms. WELTE:

Enclosed is the eligibility list the Employer furnished in connection with the scheduled election in this matter. Please review the list promptly and advise this office as soon as possible, but in any event before the pre-election conference, if you believe any names have been omitted or if you have any questions about the inclusion of any individuals on the list.

At the election, the only copy of the eligibility list that may be used is the one provided by the Board agent. Your observers will not be permitted to have the enclosed list at the checking table during the election.

Very truly yours,

/s/

MARLIN O. OSTHUS
Regional Director

Enclosure



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 18
330 2ND AVE S
STE 790
MINNEAPOLIS, MN 55401-2221

Agency Website: www.nlrb.gov
Telephone: (612)348-1757
Fax: (612)348-1785

June 19, 2014

JULIE SULLIVAN, PRESIDENT
UNIVERSITY OF ST. THOMAS
2115 SUMMIT AVENUE
ST. PAUL, MN 55105

Re: UNIVERSITY OF ST. THOMAS
Case 18-RC-129281

Dear Ms. Sullivan:

Enclosed are the Notices of Election in the above case. Each Notice consists of three 8 ½" by 14" panels which are labeled "Panel 1 of 3", "Panel 2 of 3" and "Panel 3 of 3" at the bottom. The three panels should be treated as one 25 ½" by 14" document, with the panel labeled "Panel 1 of 3" posted first on the left, "Panel 2 of 3" in the middle, and "Panel 3 of 3" on the right. Please post them on bulletin boards and other conspicuous places in areas where the employees in the bargaining unit work. To help avoid an issue about the adequacy of the posting period, **the notices should be posted immediately upon receipt. Also, enclosed are additional Notices for posting at both the Minneapolis and St. Paul facilities. Notices are being mailed to all employees in the appropriate collective bargaining unit on this date.**

Notice Posting Requirement

Section 103.20 of the Board's Rules and Regulations requires employers to post the Board's official Notice of Election in conspicuous places at least 3 working days, not including Saturdays, Sundays, and holidays, prior to 12:01 a.m. of the day of the election. **Therefore, the enclosed notices must be posted prior to 12:01 a.m. on June 30, 2014.** Failure to comply with this posting requirement is grounds for setting the election aside whenever proper and timely objections are filed.

Section 103.20 also provides that an employer is conclusively deemed to have received copies of the election notice for posting unless it notifies the Regional Office at least 5 working days prior to the commencement of the election that it has not received copies of the election notice. Failure to do so within that time period precludes an employer from filing objections based on the nonposting of the election notice.

The attached Form NLRB-4175, along with other necessary material, will be sent at 4:30 p.m. on July 3, 2014, to the employees eligible to vote in the above-named election. Ballots must be returned to the Minneapolis Regional Office no later than 4:30 p.m. on July 18, 2014.

Pursuant to Oregon Washington Telephone Co., 123 NLRB 339, please be aware that in mail ballot elections, employers and unions alike are prohibited from making speeches on company time to massed assemblies of employees from the time and date the ballots are mailed out from the Regional Office until the deadline date and time for ballots to be returned to the Regional Office. In other words, speeches of this nature should not take place during the time period described in the preceding paragraph.

The parties are invited to have representatives present to observe the counting of the ballots at the Minneapolis Regional Office on July 21, 2014 beginning at 2:00 p.m.

Very truly yours,

/s/ Marlin O. Osthus

MARLIN O. OSTHUS
Regional Director

Enclosures

cc: MARK S. MATHISON, ATTORNEY
GRAY PLANT MOOTY
80 SOUTH EIGHTH STREET
500 IDS CENTER
MINNEAPOLIS, MN 55402-2100

DENISE WELTE, ORGANIZING DIRECTOR
SEIU LOCAL 284
450 SOUTHVIEW BOULEVARD
SOUTH ST. PAUL, MN 55075

BRENDAN D. CUMMINS, ATTORNEY
CUMMINS & CUMMINS, LLP
920 SECOND AVENUE SOUTH
1245 INTERNATIONAL CENTRE
MINNEAPOLIS, MN 55402-3318



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Suite 790
Minneapolis, MN 55401-2221

Office: (612) 348-1757
Fax: (612) 348-1785
www.nlr.gov

July 8, 2014

VIA UPS OVERNIGHT

(b) (6), (b) (7)(C)

Re: UNIVERSITY OF ST. THOMAS
Case 18-RC-129281

Dear (b) (6), (b) (7)(C):

Per your request, enclosed is a duplicate mail ballot for your use. The deadline for receipt of this ballot is 4:30 p.m., July 18, 2014. The counting of the ballots is scheduled for 2:00 p.m. on July 21, 2014. Therefore, return of your ballot by overnight express mail is suggested for receipt of your ballot in this office by 4:30 p.m., July 18, 2014.

Very truly yours,

/s/ Marlin O. Osthus

Marlin O. Osthus
Regional Director

MOO/cmc
Enclosures



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July 8, 2014

VIA UPS OVERNIGHT

(b) (6), (b) (7)(C)

Re: UNIVERSITY OF ST. THOMAS
Case 18-RC-129281

Dear **(b) (6), (b) (7)(C)**:

Enclosed is another mail ballot. The mail ballot you returned to this office did not have a signature on the identification stub on the back of your envelope and therefore it is not valid. The deadline for receipt of this ballot is 4:30 p.m., July 18, 2014. The counting of the ballots is scheduled for 2:00 p.m. on July 21, 2014. Therefore, return of your ballot by overnight express mail is suggested for receipt of your ballot in this office by 4:30 p.m., July 18, 2014.

Very truly yours,

/s/ Marlin O. Osthus

Marlin O. Osthus
Regional Director

MOO/cmc
Enclosures



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July 8, 2014

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Very truly yours,

/s/ Marlin O. Osthus

Marlin O. Osthus
Regional Director

MOO/cmc
Enclosures



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Minneapolis, MN 55401-2221

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www.nlrb.gov

July 9, 2014

VIA UPS OVERNIGHT

(b) (6), (b) (7)(C)

Re: UNIVERSITY OF ST. THOMAS
Case 18-RC-129281

Dear (b) (6), (b) (7)(C)

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Very truly yours,

/s/ Marlin O. Osthus

Marlin O. Osthus
Regional Director

MOO/cmc
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July 9, 2014

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Very truly yours,

/s/ Marlin O. Osthus

Marlin O. Osthus
Regional Director

MOO/cmc
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July 10, 2014

VIA UPS OVERNIGHT

(b) (6), (b) (7)(C)

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Case 18-RC-129281

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Very truly yours,

/s/ Marlin O. Osthus

Marlin O. Osthus
Regional Director

MOO/cmc
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Very truly yours,

/s/ Marlin O. Osthus

Marlin O. Osthus
Regional Director

MOO/cmc
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July 10, 2014

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Very truly yours,

/s/ Marlin O. Osthus

Marlin O. Osthus
Regional Director

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July 10, 2014

VIA UPS OVERNIGHT

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Case 18-RC-129281

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Very truly yours,

/s/ Marlin O. Osthus

Marlin O. Osthus
Regional Director

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Minneapolis, MN 55401-2221

Office: (612) 348-1757
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www.nlrb.gov

July 14, 2014

VIA UPS OVERNIGHT

(b) (6), (b) (7)(C)

Re: UNIVERSITY OF ST. THOMAS
Case 18-RC-129281

Dear (b) (6), (b) (7)(C):

Per your request, enclosed is a duplicate mail ballot for your use. The deadline for receipt of this ballot is 4:30 p.m., July 18, 2014. The counting of the ballots is scheduled for 2:00 p.m. on July 21, 2014. Therefore, return of your ballot by overnight express mail is suggested for receipt of your ballot in this office by 4:30 p.m., July 18, 2014.

Very truly yours,

/s/ Marlin O. Osthus

Marlin O. Osthus
Regional Director

MOO/cmc
Enclosures



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 18
330 South Second Avenue
Suite 790
Minneapolis, MN 55401-2221

Office: (612) 348-1757
Fax: (612) 348-1785
www.nlrb.gov

July 14, 2014

VIA UPS OVERNIGHT

(b) (6), (b) (7)(C)

Re: UNIVERSITY OF ST. THOMAS
Case 18-RC-129281

Dear (b) (6), (b) (7)(C):

Per your request, enclosed is a mail ballot for your use. The deadline for receipt of this ballot is 4:30 p.m., July 18, 2014. The counting of the ballots is scheduled for 2:00 p.m. on July 21, 2014. Therefore, return of your ballot by overnight express mail is suggested for receipt of your ballot in this office by 4:30 p.m., July 18, 2014.

Very truly yours,

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July 14, 2014

(b) (6), (b) (7)(C)

Re: UNIVERSITY OF ST. THOMAS
Case 18-RC-129281

Dear (b) (6), (b) (7)(C):

Enclosed is a duplicate mail ballot due to the mail ballot previously mailed to you was sent to a prior address. The deadline for receipt of this ballot is 4:30 p.m., July 18, 2014. The counting of the ballots is scheduled for 2:00 p.m. on July 21, 2014. Therefore, return of your ballot by overnight express mail is suggested for receipt of your ballot in this office by 4:30 p.m., July 18, 2014.

Very truly yours,

/s/ Marlin O. Osthus

Marlin O. Osthus
Regional Director

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(b) (6), (b) (7)(C)



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Very truly yours,

/s/ Marlin O. Osthus

Marlin O. Osthus
Regional Director

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July 14, 2014

VIA UPS OVERNIGHT

(b) (6), (b) (7)(C)

Re: UNIVERSITY OF ST. THOMAS
Case 18-RC-129281

Dear (b) (6), (b) (7)(C):

Enclosed is another mail ballot. The mail ballot you returned to this office did not have a signature on the identification stub on the back of your envelope and therefore it is not valid. The deadline for receipt of this ballot is 4:30 p.m., July 18, 2014. The counting of the ballots is scheduled for 2:00 p.m. on July 21, 2014. Therefore, return of your ballot by overnight express mail is suggested for receipt of your ballot in this office by 4:30 p.m., July 18, 2014.

Very truly yours,

/s/ Marlin O. Osthus

Marlin O. Osthus
Regional Director

MOO/cmc
Enclosures



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July 14, 2014

VIA UPS OVERNIGHT

(b) (6), (b) (7)(C)

Re: UNIVERSITY OF ST. THOMAS
Case 18-RC-129281

Dear (b) (6), (b) (7)(C):

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Very truly yours,

/s/ Marlin O. Osthus

Marlin O. Osthus
Regional Director

MOO/cmc
Enclosures



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 18
330 2nd Ave S Ste 790
Minneapolis, MN 55401-2214

Agency Website: www.nlrb.gov
Telephone: (612)348-1757
Fax: (612)348-1785

June 5, 2014

JULIE SULLIVAN, PRESIDENT
UNIVERSITY OF ST. THOMAS
2115 SUMMIT AVENUE
ST. PAUL, MN 55105

DENISE WELTE, ORGANIZING DIRECTOR
SEIU LOCAL 284
450 SOUTHVIEW BLVD
SOUTH ST. PAUL, MN 55075

Re: UNIVERSITY OF ST. THOMAS
Case 18-RC-129281

Dear Ms. SULLIVAN and Ms. WELTE:

Enclosed is a copy of the election agreement that I have approved in this case. This letter will provide you with additional information about the election eligibility list, posting the election notices, and the agreed-upon election arrangements.

Election Eligibility List

It is longstanding Board policy that all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. In accordance with the terms of the election agreement, the Employer must file with me an election eligibility list, containing the **full** names and **complete** addresses (including postal zip codes) of all the eligible voters. Those eligible to vote in the election are employees in the above unit who were employed and worked within the scope of the unit described above during the payroll period ending May 31, 2014 (which has a payroll date of May 30, 2014), including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. Also eligible to vote are those in the unit who teach or taught or are contracted by June 6, 2014, to teach at least one undergraduate-level lab or undergraduate-level credit-earning course in the Fall 2013 semester, January 2014 term, the Spring 2014 semester, or the June or July 2014 Summer Sessions.

The list must be of sufficiently large type to be clearly legible, and the names should be alphabetized. I will make this list available to all parties to the election.

To be timely filed, the list must be received in this office on or before **June 12, 2014**. No extension of time to file this list may be granted except in extraordinary circumstances. Failure by the Employer to comply with this requirement is grounds for setting aside the election if proper objections are filed.

Electronic filing of the list through the Agency website is preferred but not required. To file electronically, go to **www.nlr.gov**, click on **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. The list also may be submitted to our office by fax to (612) 348-1785 or by regular mail to the address above. The burden of establishing the timely filing and receipt of the list is on the sending party.

Please be advised that in a mail ballot election, the election begins when the mail ballots are deposited by the Region in the mail.

Election Arrangements

The arrangements for the election in this matter are as follows:

Date and Time Mail Ballots to be Sent to Voters: Thursday, July 3, 2014 at 4:30 p.m.

Date Voters Are Requested to Notify Regional Office if Mail Ballot Not Received or Replacement Ballot Is Needed: Thursday, July 10, 2014 no later than 4:30 p.m.

Date Mail Ballots From Voters Must Be Received by Regional Office:
Friday, July 18, 2014 at 4:30 p.m.

Date, Time and Place of Ballot Count: The ballot count will be held on
Monday, July 21, 2014 at 2:00 p.m. at the Minneapolis Regional Office.

Representatives of the parties are invited to attend and observe the ballot count at which time they must voice any challenges to any of the ballots.

Posting of Election Notices

Election notices will soon be mailed to the parties. Section 103.20 of the Board's Rules and Regulations requires the Employer to timely post copies of the Board's official Notice of Election in conspicuous places. In this case, the notices must be posted **before 12:01 a.m. on Monday, June 30, 2014**. If the Employer does not receive copies of the notice by June 26, 2014, it should notify the Regional Office immediately. Pursuant to Section 103.20(c), a failure to do so precludes an employer from filing objections based on nonposting of the election notice.

To make it administratively possible to have election notices and ballots in a language other than English, please notify the Board agent immediately if that is necessary for this election. Also, as noted in paragraph 9 of the stipulated election agreement, if special accommodations are required for any voters, potential voters, or election participants to vote or reach the voting area, please tell the Board agent as soon as possible.

If there are any questions, please feel free to contact Field Attorney RACHAEL M. SIMON-MILLER at telephone number (612) 348-1746 or by email at rachael.simon-miller@nlrb.gov. The cooperation of all parties is sincerely appreciated.

Very truly yours,

/s/ Marlin O. Osthus

MARLIN O. OSTHUS
Regional Director

Enclosures

1. Approved Election Agreement

cc: MARK S. MATHISON, ATTORNEY
GRAY PLANT MOOTY
80 SOUTH EIGHTH STREET
500 IDS CENTER
MINNEAPOLIS, MN 55402-2100

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

University of St. Thomas

and

SEIU Local 284

CASE 18-RC-129281

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Petitioner SEIU Local 284

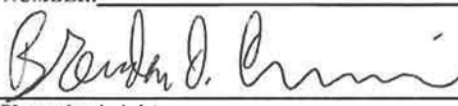
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Brendan D. Cummins
MAILING ADDRESS: 1245 International Centre, 920 Second Ave S, Minneapolis, MN 55402
E-MAIL ADDRESS: brendan@cummins-law.com
OFFICE TELEPHONE NUMBER: 612-465-0108
CELL PHONE NUMBER: _____ FAX: 612-465-0109
SIGNATURE: 
DATE: 6/9/2019 (Please sign in ink.)



¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

DATE, TIME AND PLACE OF ELECTION

The election will be conducted by mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit from the office of the National Labor Relations Board, Region 18, on July 3, 2014 at 4:30 p.m. Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 18 office by close of business at 4:30 p.m. on July 18, 2014. The mail ballots will be counted at the Region 18 office located at 330 2nd Ave S Ste 790, Minneapolis, MN 55401-2214 at 2:00 p.m. on Monday, July 21, 2014.

If any eligible voter does not receive a ballot or otherwise requires a duplicate mail ballot kit, he or she should contact the Region 18 office by no later than 4:30 p.m. on July 10, 2014 at National Labor Relations Board, 330 2nd Ave S, Ste 790, Minneapolis, MN 55401, telephone (612) 348-1757 or toll-free 1-866-667-6572 in order to arrange for another mail ballot to be sent.

SEE ATTACHMENT BELOW FOR VOTING UNIT

	<p>UNITED STATES OF AMERICA National Labor Relations Board 18-RC-129281</p>	
<p>OFFICIAL SECRET BALLOT For certain employees of UNIVERSITY OF ST. THOMAS</p>		
<p>Do you wish to be represented for purposes of collective bargaining by SEIU LOCAL 284?</p>		
<p>MARK AN "X" IN THE SQUARE OF YOUR CHOICE</p>		
<p>YES</p> <div data-bbox="427 1717 560 1817"><input type="checkbox"/></div>		<p>NO</p> <div data-bbox="1066 1717 1200 1817"><input type="checkbox"/></div>
<p>DO NOT SIGN THIS BALLOT. See enclosed instructions. <small>The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.</small></p>		

ATTACHMENT

VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:

Those eligible to vote are: All part-time non-tenured and non-tenure-track faculty employed by the University of St. Thomas to teach undergraduate-level labs or undergraduate-level credit-earning courses at the St. Paul and Minneapolis campuses located at 2115 Summit Ave., St. Paul, MN 55105 and 1000 LaSalle Ave., Minneapolis, MN 55403. The faculty in the unit include but are not limited to Adjunct Faculty, Senior Adjuncts, Participating Adjuncts, Supporting Adjuncts, and Adjuncts. Those eligible to vote in the election are employees in the above unit who were employed and worked within the scope of the unit described above during the payroll period ending May 31, 2014 (which has a payroll date of May 30, 2014), including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. Also eligible to vote are those in the unit who teach or taught or are contracted by June 6, 2014, to teach at least one undergraduate-level lab or undergraduate-level credit-earning course in the Fall 2013 semester, January 2014 term, the Spring 2014 semester, or the June or July 2014 Summer Sessions.

EMPLOYEES NOT ELIGIBLE TO VOTE:

Those not eligible to vote are: All other faculty, including tenured and tenure-track faculty; full-time faculty; clinical faculty; limited term faculty; distinguished service faculty; visiting faculty; faculty who are concurrently employed as full-time or tenured or tenure-track faculty by another institution of higher education and are employed by the University with respect to a joint program with another institution of higher education; visiting scholars; music lesson faculty who exclusively teach music lessons; and faculty who exclusively teach: a course or lab not conducted primarily at the University's Minneapolis or St. Paul campuses, non-degree or non-credit earning courses, graduate-level courses, courses in the School of Law or the St. Paul Seminary School of Divinity, or online courses. Also excluded are all graduate assistants, teaching assistants, deans, associate deans, assistant deans, department chairs, divisional representatives, program chairs, directors, associate directors, administrators, managers, supervisors, coordinators, coaches, librarians, specialists, staff, confidential employees, guards, anyone else excluded by the Act, and all other employees, whether or not they have teaching responsibilities.

An employee who is in the bargaining unit scope by virtue of the unit description above, but who also teaches one or more graduate-level courses or has some other responsibilities or appointment(s) with the University, shall be considered a dual function employee, meaning that the employee is a member of the above-described bargaining unit solely for purposes of teaching undergraduate-level labs or undergraduate-level credit-earning courses on the Minneapolis or St. Paul campus, and that only such work falls within the bargaining unit. Any and all responsibilities and/or appointments other than teaching undergraduate-level lab(s) or undergraduate-level credit-earning course(s) on the Minneapolis or St. Paul campus are outside of the above-described bargaining unit.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

UNIVERSITY OF ST. THOMAS	Employer
and	
SEIU LOCAL 284	Petitioner

Case No. 18-RC-129281

Date Filed
May 23, 2014

Date Issued JULY 21, 2014

Type of Election
(Check One:)

- ☒ Stipulation
☐ Board Direction
☐ Consent Agreement
☐ RD Direction
Incumbent Union (Code)

(If applicable check
either or both:)

- ☐ 8 (b)(7)
☒ Mail Ballot

TALLY OF BALLOTS

The undersigned agent of the Regional Director certifies that the results of the tabulation of ballots cast in the election held in the above case, and concluded on the date indicated above, were as follows:

1. Approximate number of eligible voters 301
2. Number of Void ballots 9
3. Number of Votes cast for PETITIONER 84
4. Number of Votes cast for
5. Number of Votes cast for
6. Number of Votes cast against participating labor organization(s) 136
7. Number of Valid votes counted (sum of 3, 4, 5, and 6) 220
8. Number of Challenged ballots 24
9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8) 244
10. Challenges are (not) sufficient in number to affect the results of the election. (not)
11. A majority of the valid votes counted plus challenged ballots (Item 9) has (not) been cast for PETITIONER

For the Regional Director
Region Eighteen

Rachael Smith
Robert Schreiner

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this Tally.

For UNIVERSITY OF ST. THOMAS

[Signature]

For SEIU LOCAL 284

(b) (6), (b) (7)(C)

For

For

From: [Mathison, Mark S.](#)
To: [Simon-Miller, Rachael M.](#)
Subject: RE: SEIU/St. Thomas Certification
Date: Tuesday, July 29, 2014 1:27:18 PM
Attachments: [image001.jpg](#)

Thank you.

From: Simon-Miller, Rachael M. [<mailto:Rachael.Simon-Miller@nlrb.gov>]
Sent: Tuesday, July 29, 2014 12:27 PM
To: Mathison, Mark S.
Subject: RE: SEIU/St. Thomas Certification
It is going out in today's mail.

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: Mathison, Mark S. [<mailto:Mark.Mathison@gpmlaw.com>]
Sent: Tuesday, July 29, 2014 12:20 PM
To: Simon-Miller, Rachael M.
Subject: RE: SEIU/St. Thomas Certification

Is that your final answer? ☺ Seriously, I assume the mail has now come in, so the slowest means by which they could have been filed has been accounted for? Can you confirm that the Certification has been, or will be, issued today? With certainty?

From: Simon-Miller, Rachael M. [<mailto:Rachael.Simon-Miller@nlrb.gov>]
Sent: Tuesday, July 29, 2014 12:18 PM
To: Mathison, Mark S.
Subject: RE: SEIU/St. Thomas Certification
No.

Rachael Simon-Miller, Field Attorney
National Labor Relations Board, Region 18
330 Second Avenue South, Suite 790
Minneapolis, MN 55401
Tel: 612.348.1746
Fax: 612.348.1785

From: Mathison, Mark S. [<mailto:Mark.Mathison@gpmlaw.com>]
Sent: Tuesday, July 29, 2014 9:45 AM
To: Simon-Miller, Rachael M.
Subject: RE: SEIU/St. Thomas Certification
No objections have been filed?

From: Simon-Miller, Rachael M. [<mailto:Rachael.Simon-Miller@nlrb.gov>]
Sent: Tuesday, July 29, 2014 9:29 AM
To: Mathison, Mark S.
Subject: RE: SEIU/St. Thomas Certification
Mark,

I looked into your question. The certification of results will issue within a few days of the objections period ending. Typically, it issues the following day after the period ends, but that depends on

staffing levels.

In this case, the objections period ended yesterday and I've been told the certification should issue today.

Thanks,

Rachael Simon-Miller, Field Attorney

National Labor Relations Board, Region 18

330 Second Avenue South, Suite 790

Minneapolis, MN 55401

Tel: 612.348.1746

Fax: 612.348.1785

From: Mathison, Mark S. [<mailto:Mark.Mathison@gpmlaw.com>]

Sent: Tuesday, July 29, 2014 8:32 AM

To: Simon-Miller, Rachael M.

Subject: SEIU/St. Thomas Certification

Can you please let me know when the ST. Thomas Certification will be issued?

Mark Mathison

Attorney

Gray Plant Mooty

500 IDS Center

80 South Eighth Street

Minneapolis, MN USA 55402

Phone: 612.632.3247

Fax: 612.632.4247

Mark.Mathison@gpmlaw.com

[Click Here For My Bio](#)



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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 18**

UNIVERSITY OF ST. THOMAS

Employer

and

SEIU LOCAL 284

Petitioner

Case 18-RC-129281

TYPE OF ELECTION: STIPULATED

CERTIFICATION OF RESULTS OF ELECTION

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has not been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board,

It is certified that a majority of the valid ballots have not been cast for any labor organization and that no labor organization is the exclusive representative of the employees in the bargaining unit described below.

UNIT: All part-time non-tenured and non-tenure-track faculty employed by the University of St. Thomas to teach undergraduate-level labs or undergraduate-level credit-earning courses at the St. Paul and Minneapolis campuses located at 2115 Summit Ave., St. Paul, MN 55105 and 1000 LaSalle Ave., Minneapolis, MN 55403. The faculty in the unit include but are not limited to Adjunct Faculty, Senior Adjuncts, Participating Adjuncts, Supporting Adjuncts, and Adjuncts; excluding all other faculty, including tenured and tenure-track faculty; full-time faculty; clinical faculty; limited term faculty; distinguished service faculty; visiting faculty; faculty who are concurrently employed as full-time or tenured or tenure-track faculty by another institution of higher education and are employed by the University with respect to a joint program with another institution of higher education; visiting scholars; music lesson faculty who exclusively teach music lessons; and faculty who exclusively teach: a course or lab not conducted primarily at the University's Minneapolis or St. Paul campuses, non-degree or non-credit earning courses, graduate-level courses, courses in the School of Law or the St. Paul Seminary

School of Divinity, or online courses. Also excluded are all graduate assistants, teaching assistants, deans, associate deans, assistant deans, department chairs, divisional representatives, program chairs, directors, associate directors, administrators, managers, supervisors, coordinators, coaches, librarians, specialists, staff, confidential employees, guards, anyone else excluded by the Act, and all other employees, whether or not they have teaching responsibilities.

An employee who is in the bargaining unit scope by virtue of the unit description above, but who also teaches one or more graduate-level courses or has some other responsibilities or appointment(s) with the University, shall be considered a dual function employee, meaning that the employee is a member of the above-described bargaining unit solely for purposes of teaching undergraduate-level labs or undergraduate-level credit-earning courses on the Minneapolis or St. Paul campus, and that only such work falls within the bargaining unit. Any and all responsibilities and/or appointments other than teaching undergraduate-level lab(s) or undergraduate-level credit-earning course(s) on the Minneapolis or St. Paul campus are outside of the above-described bargaining unit.



July 28, 2014

/s/ Marlin O. Osthus

MARLIN O. OSTHUS
Regional Director, Region 18
National Labor Relations Board



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 18
330 2nd Ave S Ste 790
Minneapolis, MN 55401-2214

Agency Website: www.nlr.gov
Telephone: (612)348-1757
Fax: (612)348-1785

July 29, 2014

DENISE WELTE, ORGANIZING DIRECTOR
SEIU LOCAL 284
450 SOUTHVIEW BLVD
SOUTH ST. PAUL, MN 55075

Re: UNIVERSITY OF ST. THOMAS
Case 18-RC-129281

Dear Ms. WELTE:

Enclosed is the showing of interest that you submitted in connection with the above-referenced matter.

Very truly yours,

/s/ Marlin O. Osthus

MARLIN O. OSTHUS
Regional Director

Enclosures